ommending the passage of House bill 8132, providing increase of pensions to veterans of the Spanish War and their dependents; to the Committee on Pensions.

1309. By Mr. O'CONNELL of New York: Petition of the Holy Name Society of the Church of the Holy Child Jesus, of Richmond Hill, Long Island, N. Y., favoring the passage of the Boylan bill; to the Committee on Foreign Affairs.

1310. Also, petition of the Women's Christian Temperance Union of the State of New York, favoring the passage of the Parker bill (H. R. 7555) to extend the maternity and infancy act; to the Committee on Interstate and Foreign Commerce.

1311. Also, petition of sundry citizens of Brooklyn, N. Y., opposing the passage of House bills 7179 and 7822, the compulsory Sunday observance bills, or any other national religious legislation; to the Committee on the District of Columbia.

1312. By Mr. SWING: Petition of certain residents of Westmoreland, Calif., protesting against the passage of House bill 7179, for the compulsory observance of Sunday; to the Committee on the District of Columbia.

1313. Also, petition of certain residents of Hemet, Calif., protesting against the passage of House bills 7179 and 7822, for the compulsory observance of Sunday; to the Committee on the District of Columbia.

1314. Also, petition of certain war veterans at the United States National Home for Disabled Soldiers at Sawtelle, Calif., indorsing proposed amendments to House bill 4474; to the Committee on World War Veterans' Legislation.

1315. By Mr. TILSON: Petition of J. H. Hoeppel, Arcadia, Calif., and others, favoring passage of bills H. R. 8132 and S. 3300; to the Committee on Pensions.

1316. By Mr. WHITE of Kansas: Petition of Frank Aimes and 75 other citizens of Russell, Kans., favoring passage of Senate bill 3301, for increase of pensions to Civil War veterans and their widows; to the Committee on Invalid Pensions.

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## SENATE

THURSDAY, *March 18, 1926*

*(Legislative day of Monday, March 15, 1926)*

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Fernald | Kendrick | Reed, Pa. |
| Bayard | Ferris | Keyes | Robinson, Ark. |
| Bingham | Fess | King | Robinson, Ind. |
| Blease | Fletcher | La Follette | Sackett |
| Borah | Frazier | McLean | Sheppard |
| Bratton | George | McNary | Shortridge |
| Brookhart | Gillett | Mayfield | Simmons |
| Broussard | Glass | Means | Smoot |
| Bruce | Goff | Metcalf | Stanfield |
| Butler | Gooding | Moses | Stephens |
| Cameron | Greene | Neely | Swanson |
| Capper | Hale | Norris | Trammell |
| Copeland | Harreld | Oddie | Tyson |
| Couzens | Harris | Overman | Walsh |
| Cummins | Harrison | Pepper | Warren |
| Dale | Heflin | Phipps | Watson |
| Deneen | Howell | Pine | Wheeler |
| Edge | Johnson | Ransdell | Willis |
| Ernst | Jones, Wash. | Reed, Mo. | |

Mr. WILLIS. I was requested to announce that the Senator from New York [Mr. WADSWORTH] and the Senator from North Dakota [Mr. NYE] are necessarily absent on business of the Senate.

The VICE PRESIDENT. Seventy-five Senators having answered to their names, a quorum is present.

### MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the Speaker of the House had affixed his signature to the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

S. 122. An act granting the consent of Congress to the Iowa Power & Light Co. to construct, maintain, and operate a dam in the Des Moines River;

S. 3173. An act granting the consent of Congress to the State roads commission of Maryland, acting for and on behalf of the State of Maryland, to reconstruct the present highway bridge across the Susquehanna River between Havre de Grace, in Harford County, and Perryville, in Cecil County; and

S. J. Res. 44. A joint resolution authorizing the Federal Reserve Bank of New York to invest its funds in the purchase of a site and the building now standing thereon for its branch office at Buffalo, N. Y.

### CHILD LABOR

The VICE PRESIDENT laid before the Senate the following joint resolution of the Legislature of the State of Florida rejecting the proposed child labor amendment to the Constitution, which was referred to the Committee on the Judiciary:

Senate Concurrent Resolution 5

The joint resolution proposing the rejection by the Legislature of the State of Florida of the proposed amendment to the Constitution of the United States provided for by House Joint Resolution No. 184 of the Sixty-eighth Congress of the United States conferring upon Congress power to limit, regulate, and prohibit the labor of persons under 18 years of age.

Whereas the Sixty-eighth Congress of the United States has adopted House Joint Resolution No. 184, by the constitutional vote of the Senate and House of Representatives of the United States, whereby an amendment to the Constitution of the United States is proposed to the several States for ratification or rejection, said proposed amendment reading as follows:

"SECTION 1. The Congress shall have power to limit, regulate, and prohibit the labor of persons under 18 years of age.

"SEC. 2. The power of the several States is unimpaired by this article except that the operation of State laws shall be suspended to the extent necessary to give effect to the legislation enacted by the Congress." And

Whereas the Legislature of the State of Florida, while being in full sympathy and accord with the humanitarian spirit which led to the submission of said proposed amendment of the Congress of the United States, is opposed to further extension of the powers of the Federal Government to invade and take away the inherent powers reserved by the several States: Now therefore be it

*Resolved by the Legislature of the State of Florida*, That the proposed amendment to the Constitution of the United States contained in House Joint Resolution No. 184 of the Sixty-eighth Congress of the United States proposing an amendment to the Constitution of the United States, which amendment reads as follows, to wit:

"SECTION 1. The Congress shall have power to limit, regulate, and prohibit the labor of persons under 18 years of age.

"SEC. 2. The power of the several States is unimpaired by this article except that the operation of State laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress."

Be and the same is hereby rejected by the Legislature of the State of Florida in regular session assembled, and that the action of this legislature thereon be forthwith certified to by the Secretary of State of the United States by the secretary of state of Florida under the great seal of the State, and that certified copies of this resolution be sent by the secretary of state of the State of Florida to the President and Vice President of the United States and to the Speaker of the House of Representatives of the United States.

Without approval.

STATE OF FLORIDA,
OFFICE OF SECRETARY OF STATE.

I, H. Clay Crawford, secretary of state of the State of Florida do hereby certify that the above and foregoing is a true and correct copy of senate concurrent resolution No. 5, as passed by the Legislature of the State of Florida (regular session, 1925) as shown by the enrolled resolution on file in this office.

Given under my hand and the great seal of the State of Florida, at Tallahassee, the capital, this the 15th day of March, A. D. 1926.

[SEAL.] H. CLAY CRAWFORD,
*Secretary of State.*

### PETITION AND MEMORIAL

Mr. PEPPER presented a petition of the Philadelphia (Pa.) Board of Trade, praying for the passage of House bill 2, the so-called McFadden-Pepper bill, to amend an act providing for the consolidation of national banking associations, etc., which was ordered to lie on the table.

Mr. WILLIS presented a memorial of sundry citizens of Canton, Ohio, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

### REPORTS OF COMMITTEES

Mr. HALE, from the Committee on Naval Affairs, to which was referred the bill (S. 3110) to authorize certain officers of the United States Navy to accept from the Republic of Haiti the medal of honor and merit, reported it without amendment and submitted a report (No. 394) thereon.

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (S. 3495) to amend an act regulating the height of buildings in the District of Columbia, approved June 1, 1910, reported it with an amendment and submitted a report (No. 395) thereon.

He also, from the Committee on Claims, to which was referred the bill (S. 2722) for the relief of the Muscle Shoals, Birmingham & Pensacola Railroad Co., the successor in interest of the receiver of the Gulf, Florida & Alabama Railway Co., reported it with amendments and submitted a report (No. 396) thereon.

Mr. TRAMMELL, from the Committee on Claims, to which was referred the bill (S. 1354) for the relief of Josephine Rollingson, reported it adversely and submitted a report (No. 397) thereon.

He also, from the same committee, to which was referred the bill (S. 2193) for the relief of Grover Ashley, reported it without amendment and submitted a report (No. 398) thereon.

Mr. KENDRICK, from the Committee on Irrigation and Reclamation, to which was referred the bill (S. 3553) to provide for the storage for diversion of the waters of the North Platte River and construction of the Casper-Alcova reclamation project, reported it without amendment and submitted a report (No. 399) thereon.

Mr. HOWELL, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 1223) for the relief of J. L. Flynn (Rept. No. 400); and

A bill (S. 1224) for the relief of John P. McLaughlin (Rept. No. 401).

Mr. BAYARD, from the Committee on Claims, to which was referred the bill (S. 1647) for the relief of the city of Philadelphia, reported it without amendment and submitted a report (No. 402) thereon.

### ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on to-day that committee had presented to the President of the United States the following enrolled bills and joint resolution:

S. 122. An act granting the consent of Congress to the Iowa Power & Light Co. to construct, maintain, and operate a dam in the Des Moines River;

S. 3173. An act granting the consent of Congress to the State roads commission of Maryland, acting for and on behalf of the State of Maryland, to reconstruct the present highway bridge across the Susquehanna River between Havre de Grace in Harford County and Perryville in Cecil County; and

S. J. Res. 44. Joint resolution authorizing the Federal Reserve Bank of New York to invest its funds in the purchase of a site and the building now standing thereon for its branch office at Buffalo, N. Y.

### BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MOSES:

A bill (S. 3605) granting an increase of pension to Elizabeth P. Blinn (with accompanying papers); to the Committee on Pensions.

By Mr. JONES of Washington:

A bill (S. 3606) granting a pension to Belle Bobbitt (with accompanying papers); to the Committee on Pensions.

A bill (S. 3607) to require the teaching of the Constitution of the United States, including the study of and devotion to American institutions and ideals, in all the public schools and colleges in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. HALE:

A bill (S. 3608) for the relief of Henry William Bennett, a British national; to the Committee on Claims.

By Mr. BORAH:

A bill (S. 3609) granting an increase of pension to Jennie Russell (with accompanying papers); to the Committee on Pensions.

A bill (S. 3610) to authorize the Caxton Printers (Ltd.) to make application to the Commissioner of Patents for the extension of Letters Patent No. 921467; to the Committee on Patents.

By Mr. LA FOLLETTE:

A bill (S. 3611) providing that funds appropriated for the care and relief of Indians of Wisconsin under the direction of the Secretary of the Interior shall be expended through certain public agencies of the State of Wisconsin; to the Committee on Indian Affairs.

By Mr. PEPPER:

A bill (S. 3612) granting a pension to Sarah L. Fluck; to the Committee on Pensions.

By Mr. HARRELD:

A bill (S. 3613) authorizing an appropriation for a monument for Quannah Parker, late chief of the Comanche Indians; to the Committee on Indian Affairs.

A bill (S. 3614) authorizing an appropriation for the construction of a hard-surfaced road across Fort Sill (Okla.) Military Reservation; and

A bill (S. 3615) for the relief of soldiers who were discharged from the Army during the Spanish-American War because of misrepresentation of age; to the Committee on Military Affairs.

By Mr. SWANSON:

A bill (S. 3616) for the relief of certain retired officers of the Navy and Marine Corps called into active service in World War from April 17, 1917, to November 12, 1918; to the Committee on Naval Affairs.

By Mr. EDGE:

A bill (S. 3617) for the relief of the Western Electric Co. (Inc.); and

A bill (S. 3618) for the relief of Western Electric Co. (Inc.); to the Committee on Claims.

By Mr. HEFLIN:

A bill (S. 3619) to amend the United States cotton futures act, as amended; to the Committee on Agriculture and Forestry.

By Mr. ERNST:

A bill (S. 3620) granting an increase of pension to Murry Kelley; to the Committee on Pensions.

By Mr. WILLIS:

A bill (S. 3621) granting an increase of pension to Julia Wells (with accompanying papers); to the Committee on Pensions.

By Mr. HARRIS:

A bill (S. 3622) granting a pension to Henry Clay Berryman; to the Committee on Pensions.

A bill (S. 3623) to ratify the action of a local board of sales control in respect of a contract between the United States and Max Hagedorn, of Lagrange, Ga.; to the Committee on Military Affairs.

By Mr. WADSWORTH:

A bill (S. 3624) authorizing the Secretary of War to obtain by reciprocal loan, sale, or exchange with foreign nations, in such quantities as are required for exhibition and study, articles of military arms, material, equipment, and clothing; to the Committee on Military Affairs.

By Mr. MOSES:

A bill (S. 3625) authorizing the granting of leave to members of the American Legion to attend the convention of the legion in Paris, France, in 1927; to the Committee on Civil Service.

A bill (S. 3626) to amend the act of February 28, 1925, fixing the compensation of fourth-class postmasters; to the Committee on Post Offices and Post Roads.

By Mr. NYE:

A bill (S. 3627) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the State Historical Society of North Dakota the silver service which was presented to the battleship *North Dakota* by the citizens of that State; to the Committee on Naval Affairs.

### BILL RECOMMITTED

Mr. ASHURST. I ask unanimous consent that the bill (S. 3282) to amend the act of February 26, 1925 (ch. 343 of the Statutes of the Sixty-eighth Congress), authorizing the construction of a bridge across the Colorado River near Lee Ferry, Ariz., which was introduced by me, and which I reported favorably from the Committee on Indian Affairs, be recommitted to that committee.

The VICE PRESIDENT. Without objection, it is so ordered.

### CHANGES OF REFERENCE

On motion of Mr. WARREN, the Committee on Appropriations was discharged from the further consideration of the bill (S. 2907) to authorize the general accounting officers of the United States to allow credit to Galen L. Tait, collector and disbursing agent, district of Maryland, for payments of travel and subsistence expenses made on properly certified and approved vouchers, and it was referred to the Committee on Claims.

Mr. COPELAND. I move that the Committee on the Judiciary be discharged from the further consideration of the bill (S. 991) to amend the tariff act of 1922 and other acts, and to change the official title of the Board of United States General Appraisers and members thereof to that of the United States

customs court, presiding judge, and judges thereof, and that it be referred to the Committee on Finance.

A similar bill passed by the House was referred here to the Committee on Finance, and the chairman of the Committee on the Judiciary thinks this bill should go to the same committee.

The VICE PRESIDENT. Without objection, it is so ordered.

ASSISTANTS TO THE SECRETARY OF LABOR

Mr. REED of Pennsylvania submitted an amendment intended to be proposed by him to House bill 9795, making appropriations for the State and other departments, which was ordered to lie on the table and to be printed, as follows:

On page 103, line 24, before the period, insert a colon and the following:

"*Provided further*, That hereafter there shall be in the Department of Labor not more than two assistants to the Secretary, who shall perform such duties as may be prescribed by him or required by law."

EXPENDITURE OF MUSCLE SHOALS APPROPRIATION

Mr. NORRIS. Mr. President, I send to the desk a resolution calling on the Secretary of the Treasury for certain information. I ask unanimous consent for the present consideration of the resolution.

The VICE PRESIDENT. The resolution submitted by the Senator from Nebraska will be read.

The legislative clerk read the resolution (S. Res. 174), as follows:

*Resolved*, That the Secretary of the Treasury be, and he is hereby, directed to inform the Senate how much of the appropriation contained in section 124 of the national defense act, approved June 3, 1916, has been utilized, giving in detail the purposes for which said appropriation has been utilized, the names of the persons receiving any part of said appropriation, together with an itemized statement of the amounts of money received by each.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. NORRIS. Mr. President, the appropriation referred to is contained in section 124 of the national defense act, which was passed June 3, 1916, and is the law that authorized the construction of public works at Muscle Shoals. There was an appropriation of $20,000,000 given to the President for expenditure for that purpose. I understand that the appropriation has not yet been all utilized; that, for instance, the commission that was appointed by the President at the last session of Congress to make a study of the question and report to Congress has been paid out of that appropriation which was made on June 3, 1916. No report, however, so far as I know, has ever been made to Congress with regard to the expenditure of any of this money, and the passage of the resolution is desired simply for the purpose of giving to Congress information as to how the money has been expended, and how much of it has been expended.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

STATE TAXATION OF NATIONAL BANKS

Mr. McLEAN. Mr. President, on yesterday I asked unanimous consent for the immediate consideration of the bill (S. 3377) to amend section 5219 of the Revised Statutes of the United States, but there were several Senators present who wanted to be assured that the bill did not in any way affect the controversy in New York and Massachusetts over the refund of certain taxes which had been paid by national banks to the States. Consequently the bill went over until this morning. The report of the House committee, which fully explains the bill, has been printed in the RECORD. I am able to state that the controversy referred to has been settled. The bill does not in any way affect the tax-refund question which was raised three or four years ago. New York has paid back to the banks 50 per cent of the taxes collected and Massachusetts has returned 33⅓ per cent.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Arkansas?

Mr. McLEAN. I yield.

Mr. ROBINSON of Arkansas. I understand the bill will recognize the right of the States to tax incomes from national banks, if it taxes incomes from State banks, upon the same basis.

Mr. McLEAN. The purpose of the bill is to put the taxation of national banks on precisely the same basis as the tax on State banks in the States where they now have an income tax.

Mr. ROBINSON of Arkansas. I do not see any objection to the bill.

Mr. McLEAN. I ask unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. Is there objection?

Mr. TRAMMELL. Mr. President, may I inquire of the Senator from Connecticut what is the purpose or object of the bill?

Mr. McLEAN. The Senator will see that the RECORD this morning contains a full explanation of the purport of the bill. I will say to the Senator that the purpose of it is to give the States which now have an income tax the right to tax the incomes of national banks in the same manner in which they tax the incomes of other corporations in the State. That is the main purpose of the bill. The Senator will remember that in 1923 we enacted a law which amended somewhat the original statute, and the only change of consequence is the proviso in this bill which accomplishes the purpose which I have stated.

Mr. TRAMMELL. May I ask the Senator another question? He said it gives the States the same right to tax national banks that they have under the law as to State banks.

Mr. McLEAN. That is all.

Mr. TRAMMELL. Is it the object of that provision to make the taxation laws more liberal toward national banks than under the present system?

Mr. McLEAN. It gives the States the right to tax the incomes of national banks on the same basis that the incomes of other corporations are taxed.

Mr. SMOOT. It gives the States simply one more method than they have under the existing law.

Mr. McLEAN. If the States have an income tax, they can tax the incomes of the national banks the same as they do those of the State banks.

Mr. TRAMMELL. I have no objection to the bill. I merely wanted to understand its purpose.

Mr. FLETCHER. May I state for the information of my colleague that I think the bill really would have no effect on the States where there are no State income taxes.

Mr. COUZENS. Does it in any way affect the taxes on the shares of stock or personal property of residents of a State?

Mr. McLEAN. It does not change the present law in that respect.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.*, That section 5219 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 5219. The legislature of each State may determine and direct, subject to the provisions of this section, the manner and place of taxing all the shares of national banking associations located within its limits. The several States may (1) tax said shares, or (2) include dividends derived therefrom in the taxable income of an owner or holder thereof, or (3) tax such associations on their net income, or (4) according to or measured by their net income, provided the following conditions are complied with:

"1. (a) The imposition by any State of any one of the above four forms of taxation shall be in lieu of the others, except as hereinafter provided in subdivision (c) of this clause.

"(b) In the case of a tax on said shares the tax imposed shall not be at a greater rate than is assessed upon other moneyed capital in the hands of individual citizens of such State coming into competition with the business of national banks: *Provided*, That bonds, notes, or other evidences of indebtedness in the hands of individual citizens not employed or engaged in the banking or investment business and representing merely personal investments not made in competition with such business, shall not be deemed moneyed capital within the meaning of this section.

"(c) In case of a tax on or according to or measured by the net income of an association, the taxing State may, except in case of a tax on net income, include the entire net income received from all sources, but the rate shall not be higher than the rate assessed upon other financial corporations nor higher than the highest of the rates assessed by the taxing State upon mercantile, manufacturing, and business corporations doing business within its limits: *Provided, however*, That a State which imposes a tax on or according to or measured by the net income of, or a franchise or excise tax on, financial, mercantile, manufacturing, and business corporations organized under its own laws or laws of other States and also imposes a tax upon the income of individuals, may include in such individual income dividends from national banking associations located within the State on condition that it also includes dividends from domestic corporations and may likewise include dividends from national banking associations located without the State on condition that it also includes divi-

dends from foreign corporations, but at no higher rate than is imposed on dividends from such other corporations.

"(d) In case the dividends derived from the said shares are taxed, the tax shall not be at a greater rate than is assessed upon the net income from other moneyed capital.

"2. The shares of any national banking association owned by nonresidents of any State shall be taxed by the taxing district or by the State where the association is located and not elsewhere; and such association shall make return of such shares and pay the tax thereon as agent of such nonresident shareholders.

"3. Nothing herein shall be construed to exempt the real property of associations from taxation in any State or in any subdivision thereof, to the same extent, according to its value, as other real property is taxed.

"4. The provisions of section 5219 of the Revised Statutes of the United States as heretofore in force shall not prevent the legalizing, ratifying, or confirming by the States of any tax heretofore paid, levied, or assessed upon the shares of national banks, or the collecting thereof, to the extent that such tax would be valid under said section."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

POLICY RELATIVE TO BRIDGE BILLS

Mr. BINGHAM. Mr. President, I ask unanimous consent out of order to submit a report from the Committee on Commerce with regard to the new policy adopted by the committee with reference to bills authorizing the construction of bridges. On the 4th of March in certain remarks which I at that time made, at the request of the committee, I explained the new policy. On the 5th of March further reference to it will be found in the CONGRESSIONAL RECORD. At that time the senior Senator from Wisconsin [Mr. LENROOT] and the senior Senator from Virginia [Mr. SWANSON] asked that a statement as to the new policy be put in the form of a public document. The publication of that document has been delayed in order that forms for bills covering the different types of bridges—free bridges and toll bridges built by municipalities, and toll bridges built by private capital—might be drawn. Those forms have now been prepared, and I ask unanimous consent that they be printed in the RECORD. I also ask unanimous consent that they may be made a part of the document which the Senator from Wisconsin and the Senator from Virginia requested to have prepared and printed.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

FORM I

INTERSTATE OR INTRASTATE HIGHWAY FREE BRIDGE—CONSTRUCTED BY STATES OR MUNICIPALITIES

A bill granting the consent of Congress to the [here insert State, State highway department, or county, municipality, or other political subdivision of a State] to construct a bridge across the ——— River

*Be it enacted, etc.*, That the consent of Congress is hereby granted to [here insert State, State highway department, or county, municipality, or other political subdivision of a State] to construct, maintain, and operate a bridge and approaches thereto across the ——— River, at a point suitable to the interests of navigation, between ——— and ———, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act. The construction of such bridge shall not be commenced, nor shall any alteration in such bridge be made either before or after its completion, until plans and specifications for such construction or alteration have been submitted to the Secretary of War and the Chief of Engineers and approved by them as being adequate from the standpoint of the volume and weight of traffic which will pass over it.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

FORM II

INTERSTATE OR INTRASTATE HIGHWAY TOLL BRIDGE CONSTRUCTED BY STATES OR MUNICIPALITIES

A bill granting the consent of Congress to the [here insert State, State highway department, or county, municipality, or other political subdivision of a State] to construct a bridge across the ——— River

*Be it enacted, etc.*, That the consent of Congress is hereby granted to [here insert State, State highway department, or county, municipality, or other political subdivision of a State] to construct, maintain, and operate a bridge and approaches thereto across the ——— River, at a point suitable to the interests of navigation, between ——— and ———, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act. The construction of such bridge shall not be commenced, nor shall any alteration in such bridge be made either before or after its completion, until plans and specifications for such construction or alteration have been submitted to the Secretary of War and the Chief of Engineers and approved by them as being adequate from the standpoint of the volume and weight of traffic which will pass over it.

SEC. 2. The said [here insert State, State highway department, or county, municipality, or other political subdivision of a State] is [are] hereby authorized to fix and charge tolls for transit over such bridge and the rates so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in such act of March 23, 1906.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

FORM III

INTRASTATE HIGHWAY TOLL BRIDGE CONSTRUCTED BY PRIVATE CAPITAL

A bill granting the consent of Congress to [here insert (1) private individuals, their heirs, legal representatives and assigns, or (2) a private corporation, its successors and assigns] to construct a bridge across the ——— River

*Be it enacted, etc.*, That the consent of Congress is hereby granted to [here insert (1) private individuals, their heirs, legal representatives and assigns, or (2) a private corporation, its successors and assigns] to construct, maintain, and operate a bridge and approaches thereto across the ——— River, at a point suitable to the interests of navigation, between ——— and ———, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act. The construction of such bridge shall not be commenced, nor shall any alteration in such bridge be made either before or after its completion, until plans and specifications for such construction or alteration have been submitted to the Secretary of War and the Chief of Engineers and approved by them as being adequate from the standpoint of the volume and weight of traffic which will pass over it.

SEC. 2. The said [here insert (1) private individuals, their heirs, legal representatives and assigns, or (2) a private corporation, its successors and assigns] are hereby authorized to fix and charge tolls for transit over such bridge and the rates so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in such act of March 23, 1906.

SEC. 3. After the date of completion of such bridge, as determined by the Secretary of War, either the State of ———, any political subdivision thereof, within or adjoining which such bridge is located, or two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and approaches, and interests in real property necessary therefor, by purchase, or by condemnation in accordance with the law of such State governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of —— years after the completion of such bridge it is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good-will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and approaches, less a reasonable deduction for actual depreciation in respect of such bridge and approaches, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion costs (not to exceed 10 per cent of the sum of the cost of construction of such bridge and approaches and the acquisition of such interests in real property), and (4) actual expenditures for necessary improvements.

SEC. 4. The said [here insert (1) private individuals, their heirs, legal representatives, and assigns, or (2) a private corporation, its successor and assigns] shall immediately after the completion of such bridge, file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and approaches, including the actual cost of acquiring interests in real property and actual financing and promotion costs. Within three years after the completion of such bridge, the Secretary of War may investigate the actual cost of such bridge, and for such purpose the [here insert (1) private individuals, their heirs, legal representatives and assigns, or (2) a private corporation, its successors and assigns] shall make available to the Secretary of War all of its records in connection with the financing and construction thereof. The findings of the Secretary of War as to such actual original cost shall be conclusive.

SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

FORM IV

INTERSTATE HIGHWAY TOLL BRIDGE CONSTRUCTED BY PRIVATE CAPITAL

A bill granting the consent of Congress to [here insert (1) private individuals, their heirs, legal representatives, and assigns, or (2) a private corporation, its successors and assigns] to construct a bridge across the ——— River

*Be it enacted, etc.*, That the consent of Congress is hereby granted to [here insert (1) private individuals, their heirs, legal representatives, and assigns, or (2) a private corporation, its successors and assigns] to construct, maintain, and operate a bridge and approaches thereto across the ——— River at a point suitable to the interests of navigation, between ——— and ———, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act. The construction of such bridge shall not be commenced, nor shall any alterations in such bridge be made either before or after its completion, until plans and specifications for such construction or alteration have been submitted by the Secretary of War and the Chief of Engineers and approved by them as being adequate from the standpoint of the volume and weight of traffic which will pass over it.

SEC. 2. The said [here insert (1) private individuals, their heirs, legal representatives, and assigns, or (2) a private corporation, its successors and assigns] are hereby authorized to fix and charge tolls for transit over such bridge, and the rates so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in such act of March 23, 1906.

SEC. 3. After the date of completion of such bridge, as determined by the Secretary of War, either the State of ———, the State of ———, any political subdivision of either of such States within or adjoining which such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and approaches, and interests in real property necessary therefor, by purchase or by condemnation in accordance with the law of either of such States governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of —— years after the completion of such bridge it is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and approaches, less a reasonable deduction for actual depreciation in respect of such bridge and approaches; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs (not to exceed 10 per cent of the sum of the cost of construction of such bridge and approaches and the acquisition of such interests and real property); and (4) actual expenditures for necessary improvements.

SEC. 4. The said [here insert (1) private individuals, their heirs, legal representatives, and assigns, or (2) a private corporation, its successors and assigns] shall, immediately after the completion of such bridge, file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and approaches, including the actual cost of acquiring interests in real property and actual financing and promotion costs. Within three years after the completion of such bridge the Secretary of War may investigate the actual cost of such bridge, and for such purpose the [here insert (1) private individuals, their heirs, legal representatives, and assigns, or (2) a private corporation, its successors and assigns] shall make available to the Secretary of War all of its records in connection with the financing and construction thereof. The findings of the Secretary of War as to such actual original cost shall be conclusive.

SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

PERSONAL EXPLANATION

Mr. BROOKHART obtained the floor.

Mr. CUMMINS. Will my colleague yield to me for a moment?

Mr. BROOKHART. I yield.

Mr. CUMMINS. Mr. President, for the first time in my service in the Senate I rise to a question of personal privilege. In the Evening Star of yesterday afternoon a reference was made to the contest initiated by Mr. Steck against my colleague, the junior Senator from Iowa [Mr. BROOKHART]. The article suggested that I have some friends in the Senate who, in determining the matter, might give consideration to the effect of the decision upon my personal or political fortunes.

Mr. President, I make no complaint against the writer of the article nor against the newspaper which published it. They but repeat an insinuation which has been given the widest publicity, and particularly in the press of my own State. It is, of course, wholly, utterly untrue. I have, it is to be hoped, many friends in the Senate on both sides of the Chamber, and all of them will vote, and ought to vote, their honest convictions with respect to this contest. I would feel a lasting humiliation if I believed that any personal or political friend would consider anything but the right and justice of the case in reaching his conclusion. If my colleague received one valid vote more than Mr. Steck, he should retain his seat; on the other hand, if Mr. Steck received one valid vote more than my colleague, he should be seated.

If any Senator were to permit either personal or party influences to control his vote in such a matter he would be false to the oath under which he became a Member of this body.

Mr. President, permit me in this connection to make another statement:

I have not attempted, either directly or indirectly, by discussion, suggestion, inference, or in any other manner to influence any Senator with regard to this contest. All that I have said, and I have said that from the beginning, is that it should be disposed of just as speedily as possible and in accordance with the merits of the dispute.

I am obliged to my colleague.

LONG-AND-SHORT-HAUL CLAUSE OF INTERSTATE COMMERCE ACT

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 575) to amend section 4 of the interstate commerce act.

Mr. BROOKHART. Mr. President, I listened with very great interest to the eloquent and forceful address of the junior Senator from Ohio [Mr. FESS] upon the long and short haul bill. That address made me think of old times. I recalled the days when the western section of the country made its fight before the Interstate Commerce Commission against various discriminations that existed as a result of the wonderful railroad system of the United States. The arguments in the discrimination cases were presented by the brilliant and able railroad attorneys of those days, but they never sparkled with such eloquence as came from the lips of the Senator from Ohio in his discussion the other day. In the advance rate cases, when the railroads were again seeking to increase the rates on the whole people of the country, those arguments once more appeared. Of course, they are old and overgrown with moss, but now they blossom and bloom and sparkle in the bright sunlight of the eloquence of the Senator from Ohio.

In the first place, the central idea of those arguments seems to be that the country should mainly be developed in order to develop great railroad systems; in other words, the basic or primary thing in American civilization is a great railroad system. In emphasis of that idea the Senator from Ohio said that we could not exist 24 hours without the present railroad system. Then he retreated a little from that position and said it might exist a little longer than that but not very long.

I think we have now reached a new stage in transportation in our civilization. I do not know whether the existing railroad system will be necessary at all in a very few years I apprehend we could build 100,000 miles or so of good roads and dispense with it. Even now in the State of Ohio the people of that State could be loaded into the motor vehicles there and moved out of the State in four hours, but that could not be done by the railroads on railroad trains. So there is a new era in transportation in the United States.

I never have believed in the theory that the country should be developed for the railroads. I believe that the railroads should be developed for the country. That being true, I am opposed to the whole system of discriminations. I think the only trouble with the Gooding bill is that it does not go far enough. I am sorry it does not include the long haul from competitive points with other railroads as well as with water points.

But let us consider it as far as it does go. It prohibits one form of discrimination. The Senator from Ohio seemed to be entirely opposed to the Congress of the United States having any voice whatsoever in establishing rules for the government of the railroads. He proposed that all such matters should be left to the Interstate Commerce Commission, and, after reading the rules which the Congress had already established, he seemed to think we had gone too far and that we ought even to repeal those rules and turn the entire matter back to the commission.

I am not going to enter upon a criticism or a defense of the commission. It has had a varied history. We gave it by law at first, as we supposed, the right to establish rates in transportation. After about 10 years the Supreme Court of the United States decided there was no such power. Then began the agitation for the famous Roosevelt rate bill, agitation for a law that would really give the commission power to establish rates.

I attended a national convention in support of that measure, which, as I recall, was held in 1905. That was the beginning of my study of rate discriminations in the United States. As a result of that agitation the power was finally conferred upon the commission to regulate railroad rates within certain limita-

tions, and later the right to grant a less charge for the long haul than for the short haul was also granted.

At the time the commission was given this power there existed a system something like this in the Middle West: The whole United States was divided up into basing points, and it was the policy of the railroad companies to ship everything by long haul from one of these great basing points to another, and then, perhaps, in distribution, distribute it back over the same line, thus making a double and an unnecessary haul for the distribution of the products of the country.

It was that idea which the railroads supported. They supported it almost ruthlessly, to the disadvantage of many communities and to the disadvantage of the whole of the State of Iowa. There was no basing point of any kind in the State. Basing their rates upon Chicago, they established on first-class freight a rate of 117 per cent of the Chicago rate to Mississippi River points above and below the State of Iowa; but if you crossed the river into the State of Iowa, although the distance might be less, that rate was increased by 5 per cent, and it was 122 per cent of the Chicago rate. They did not stop with that discrimination, but on first-class freight they imposed a further bridge toll of 5 cents per hundred pounds. The other classes had a discrimination in proportion, something like the first-class freight.

At the time the rate cases were brought to remove these discriminations, Mr. Hugh Cooper, who built the Keokuk Dam, testified as a witness in the case, and perhaps his expert knowledge is as great as any in the world; and he testified that a factory could better be located at Hannibal, Mo., and pay for its power than to locate 20 miles above at Keokuk, Iowa, and get its power absolutely free.

This discrimination was greater than the whole cost of power in manufacturing enterprises; and that discrimination was put upon Iowa for the purpose of holding Iowa as exclusively an agricultural State. It was put there for the purpose of destroying industries, and it had been there for about 37 years, as I recollect the time, before we finally succeeded in removing it in cases before the Interstate Commerce Commission. Then came the Panama Canal, and through its influence to eastern and western points the discrimination has been revived and perhaps even increased.

The great trouble with agriculture in the Middle West, and one of the reasons why it can not be prosperous, is because it is the only major industry. I have been out in the State of Ohio recently. I was in one community where there are no near industries. There was no prosperity for agriculture in that community. Recently I was in another community surrounded by industries, and there was a better story for agriculture in that community. Therefore we are entitled in the Middle West to a development of these industries as well as in the State of Ohio, and I think the Senator from Ohio [Mr. FESS] is taking too much of a local position when he denies us the right of development of industries in the other States equally with that of his own.

I think in the end it is justice and best even for Ohio that the whole country be developed according to its location and according to its resources. There is no greater discrimination against that idea than this policy of putting in a long haul at a less rate than the short haul.

It was my desire to speak especially from the standpoint of agriculture, and I therefore want to put in the RECORD some facts in reference to its condition. A lot of us have been talking about that, and we are generally denounced as bolsheviks and radicals and other disturbers of the peace; so I am going to quote to-day from an authority from a different source—the National Industrial Conference Board (Inc.), 247 Park Avenue, New York. This board is made up of the leaders of the various great industrial organizations of the East, and here is what it is saying now about the condition of agriculture; and this condition of agriculture was built up largely under the beautiful system of transportation so eloquently described by the Senator from Ohio.

It says:

Radical tendencies among farmers, who once were the backbone of the conservative wing of our body politic, curiously contrast with the increasing conservative trend of our urban population and present one of the most significant reversals in the political life of the United States, in the light of the report on the agricultural problem by the National Industrial Conference Board, 247 Park Avenue, New York.

The chief significance of this shifting of political attitudes, the board declares, lies in the fact that it directly reflects a serious economic maladjustment of agriculture and is seen by the board as a warning that a more scientific coordination of all industrial and business activities is needed.

The complaint that the East, absorbed largely in industry, trade, and finance, has been more or less indifferent to the problem of agriculture, which is principally centered in the West, meets with the accomplished fact that one of the greatest industrial economic research organizations, supported by manufacturing, mining, transportation, and public utility industries, has devoted nearly a year in an exhaustive investigation of the problems arising out of the agricultural situation. The conference board is urging business interests generally that the problem of the farmer must be studied and understood by them, because farm production is interwoven with the economic structure of all business life.

WHY FARMERS TEND TO BE RADICAL

With the increase and growth of corporate enterprise in industry and business, the board points out, there has been a diffusion of the ownership of industry among urban populations, by which interest in and understanding of industrial problems has been stimulated among those engaged in or connected with or living on the scene of industrial and commercial life. The large capitalization of modern industrial enterprise, the growing practice of employee and customer stock ownership, increasing investments of savings in corporate securities, all tend to make the urban population more and more conservative. On the other hand, the board points out, the average farm enterprise represents a capital investment of about $12,000, usually individually owned. To a large degree unorganized and isolated, farmers naturally have tended more and more to resort to political pressure to obtain relief from their economic ills, such as dwindling incomes, decline of agricultural production in proportion to population growth, rising production costs on the farm in face of falling markets.

But the agricultural problem, the board emphasizes, is the common problem of all industrial and commercial life as well. It is to no greater extent a question of what will be the consequences for the farmer than it is of what will be the consequences for our entire economic and business life if American agriculture continues to lag behind in comparison with the general economic development of the country.

The board's report notes a distinct tendency of the farming industry and farm production to decline relatively to our population growth, beginning with the year 1900. While farm-land acreage increased faster than the population up to 1860, the acreage of farm land per inhabitant since then has decreased 30 per cent. Improved acreage continued to increase faster than population up to 1880, but per capita acreage of improved farm land has decreased by about 16 per cent since that time. The acreage of harvested crops increased faster than the population up to 1900, but crop acreage since 1900 has decreased about 8 per cent per capita of population. In addition, the yield per acre of principal crops, which had increased rapidly until about 1900, has declined by about 4 per cent since.

FARM PRODUCTION LAGGING

Thus, farm production in proportion to urban population has been decreasing since 1880, and has declined by 20 per cent since 1900 alone. All of these facts indicate, according to the report, that since the beginning of the century the cost of agricultural production, prices and markets have not been such as to make it pay to maintain the same rate of increase of farming production for our growing population as existed before that time.

We do not have far to seek, for at least one of the reasons for this situation, according to the board's report, if we examine agricultural exports and imports. Since 1900 farm exports show a distinct downward trend, while agricultural imports are increasing. Our agricultural exports declined 20 per cent in volume from 1900 to the beginning of the war, and while in 1900 the value of our agricultural imports amounted to less than one-half of that of our exported farm products, our agricultural imports by the time the war began amounted to 83 per cent of our agricultural exports in value. War demands interrupted these trends, and American farm exports, stimulated by diminished foreign production and by foreign purchasing power sustained by American credit, rose again, although not to the level that existed previous to 1900. These facts, the report declares, testify to the increasing effectiveness of foreign agricultural competition both in domestic and foreign markets. Up to 1900 the capacity and production of the farm industry were able to expand more rapidly than the domestic population, because production costs permitted the profitable sale of agricultural surplus abroad. Since then the expansion of our farming industry has not been able to keep step with our population growth, and agricultural imports are increasing despite the fact that tariff protection has been given some branches of domestic agricultural production.

FARMER PAYS MORE, GETS LESS

The farmer's weakened position in meeting foreign competition at home and abroad, the board points out, has resulted from a tendency of his expenses to rise more rapidly than the prices he receives for his products. Overhead capital costs, including all taxes and interest charges of farming, which rose less than 60 per cent from 1880 to 1900, increased about 100 per cent from 1900 to 1910, and nearly 600 per cent between 1900 and 1920. Farm labor costs in the 20 years increased 90 per cent. Operating costs per unit of production, covering all materials and products of other industries purchased by the farmer, practically unchanged between 1880 and 1900, rose 116 per cent between 1900 and 1920. Combined costs per unit of product rose

over 300 per cent in these 20 years. But wholesale prices of farm products increased only 120 per cent during the same time.

HIS INCOME DWINDLES

The return on the total capital invested in agriculture, the board finds, including the value of the food, fuel, and shelter supplied by the farm during the five years prior to the war averaged 5½ per cent, but during the five years since 1920 averaged only 4 per cent, and the net return on the individual farm operator's investment only 2 per cent.

I might digress at this moment to say that in the manufacturing industries in 1923 there was invested about $40,000,000,000 of capital. There were employed less than 9,000,000 workmen, who produced a gross value of $60,000,000,000. In that gross value was thirty-four billion for raw material, and one manufacturer's raw material is another manufacturer's finished product. Every time it was transferred from one manufacturer to another a profit was added, so in this thirty-four million, the total of raw material, there were perhaps several billion of profit. I have no estimate of the amount. Maybe it was four, five, or six billion; I do not know. Subtracting the thirty-four billion and odd millions from the total of sixty billion we have left twenty-five billion and over that the value of the manufacturer's products was increased by the process of manufacture. If we forget about all these profits in the raw material and remember only how much in value that raw material was increased by the process of manufacture, and use that as the gross production, we would then have twenty-five billion as the gross production on forty billion of capital and with about 9,000,000 workmen.

In the same year there were about 11,000,000 workers on the farms. There was about $60,000,000,000 invested in the farms proposition. That was after deflation. It had been about seventy-nine billion before that. This sixty billion of capital in agriculture and about 11,000,000 workers produced a gross of $12,348,000,000, considerably less than half the production of manufacturing industries with only two-thirds the capital and with about three-fourths the number of workers. We find from the report of this board that the net income on this investment was only 2 per cent, and their method of figuring that net income is far more favorable to a larger earning in agriculture than in manufacturing. They do not figure the item of the work of the family, of the wife and children, as they do in figuring the cost of labor in industry. Neither do they figure the depreciation as they do in industry. If those items were considered and figured, as the other industries figure them, I venture the opinion there would have been no income for agriculture during this last five-year period mentioned. There was a deficit.

I have had a little personal experience along that line. It is said that agriculture is getting more prosperous. It got more prosperous with me in this way: The deficit on my farm three years ago was $1,100. Two years ago it was $418, and last year it was only $275.95. So I am getting a lot more prosperous in agriculture all the time.

Mr. KING. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Utah?

Mr. BROOKHART. I yield.

Mr. KING. The Senator referred a moment ago to the net profits of the manufacturing institutions of the United States, the aggregate production of which was approximately $60,000,000,000. I carry the figures fairly well in my mind, and I will say to the Senator that the net profits reported by corporations in 1923—the 233,339 corporations which reported profits—were $9,328,703,239. In addition to these profits, these same corporations earned interest to the amount of $2,375,827,731, paid officers $2,032,710,607, and set aside funds for depreciation, and so forth, to the amount of $2,202,331,457. Other corporations, to the number of 165,394, which reported no profits and paid no income taxes in the year 1923, earned interest to the amount of $901,798,240, paid officers $543,164,579, and set aside funds for depreciation, and so forth, to the amount of $813,912,971. The nearly 400,000 corporations of the country had, in 1923, total receipts approximating $120,000,000,000, equal to $1,000 per capita for every inhabitant of the country. So that the Senator's deductions are entirely accurate when he contrasts the profits made by the agriculturalists and the profits made by the manufacturing institutions of the United States.

Mr. BROOKHART. I am very glad indeed to have that statement in connection with my own. It makes the comparison more full and complete and more accurate. I have no doubt that it was quite as favorable as the Senator has stated.

Now we ask, What has brought about this enormous discrimination against agriculture? I want to say that one of the greatest contributing causes is this wonderful railroad system of ours in the United States, built up for the purpose of developing big industry at big basing points at the expense of the men who toil upon the farm.

Their decree went against Iowa. There is no question but what they determined all these years to prevent the development of manufacturing in that State. They did that after we had granted them more than one-seventh of all the land in the State, after they had had a share of our agricultural land itself in that gigantic proportion.

I met a big financial man not long ago. He was introduced to me as a farmer, but I found out afterwards he was the president of several railroads; and in discussing this proposition, he said to me, "You are unfair to the railroads. I was out in your State of Iowa when land was worth $5 an acre. I built a railroad beside some land, and it was then worth $150 an acre."

I said to him, "Iowa is the best agricultural spot in the big round world. There is not another spot of soil on this earth on which you could lay down the map of Iowa which produces as much, which has as rich a soil, as good a climate, and as great a production, producing one-tenth of all the foodstuffs of the whole United States." I said, "We gave more than one-seventh of that princely domain to the railroads, more than enough, at $150 an acre, to build all the roads in the State. Not only that, but we levied taxes on towns and on townships, we issued bonds on counties, we raised the cash money to build those roads, and after we built them, you owned them back here in New York."

Mr. President, that is what has developed under this system of transportation discrimination. I say that if we had adopted an absolute distance tariff, without any variation whatsoever, and had adhered to it all these years, the West would be many times better off than it is under this system of discrimination. Its development would have been more natural. I do not adhere to the absolute distance-tariff idea. There are many conditions and circumstances that should modify it. Nevertheless, it should be the underlying principle in rate making, and that means it should support the long and short haul bill.

Mr. GOODING. Mr. President, will the Senator yield?

Mr. BROOKHART. I yield.

Mr. GOODING. I want to call the Senator's attention to a statement made by Colonel Thom, the representative of all the railroads before the Interstate Commerce Committee when Senate bill 575 was under consideration. Evidently the railroads assumed the same attitude toward the development of Iowa that they have assumed toward the interior territory of the West and the western section generally.

Mr. BROOKHART. I am only citing Iowa as an example.

Mr. GOODING. I think we all know who Colonel Thom is, and this is what he said:

Mr. THOM. Now, the only complaint, it seems, that can be made of the policy of the railroads is that they have not agreed with the intermountain country as to the prospects of developing that country for jobbing or manufacturing purposes. They have believed that they are not in a position to compete with the more favorable situation of the coast in respect to that matter.

All of their freight rates have been constructed along such lines that they have prevented the development of the interior. They propose to let industries develop where they want them to develop, and not where they should naturally develop.

Mr. BROOKHART. I think that is correct. I think the whole railroad policy of this country has been to develop certain points. They used to call them "basing points," and that always gave them the long haul. They wanted to haul the manufactured stuff from New England clear out West, and then all the products of the West to New England. That might be legitimate; but even in the West they wanted to move the packing plants up to Chicago, they wanted to haul our agricultural products up to Chicago to be packed and then back into the State of Iowa to be eaten. The freight rates were so devised as to bring about that situation.

We have not been able to pack our own products in our own State. Since we got some of those discriminations removed we have made a little headway. We have not been able to grind our own flour in our own State out of the wheat that we have raised in Iowa. We are not able to make our own leather into shoes, because of this system, built up throughout the United States by way of transportation discrimination.

Continuing, the report of this conference states:

The average return to the farmer for his labor and management, after allowing a nominal return on capital invested, including the food,

fuel, and shelter supplied him by the farm, in the five years preceding the war averaged $470 a year—

That was preceding the war.

In the five years since 1920, $600 a year.

That was the high prosperity of agriculture.

But taking into account the increase in the cost of living for the farmer, the report finds the purchasing power of his annual income since 1920 about 4 per cent below that earned by him in 1914. This the board contrasts with the average increase of 22 per cent in the "real" annual earnings of workers in other industries, including wage earners and clerks in manufacturing and transportation, ministers, teachers, and Government employees.

WORKS ON NARROW MARGIN

Actual earnings of the farmer in 1924 in return for his labor are computed by the board at $730 on the average as against average earnings of $1,256 per wage earner in the manufacturing industries in the same year; average earnings of $1,572 by transportation workers; $2,141 earned by clerical workers; an average of $1,678 earned by ministers; $1,295 by teachers; about $1,650 by Government employees; and an average of $1,415 per worker in all groups other than farmers.

The trouble is not with the workers. In the $60,000,000,000 of gross reduction, the value at which the farmer had to pay for what he used in manufactured articles in 1923, out of all of it the 9,000,000 workers got only $11,000,000,000 out of the whole $60,000,000,000. So that in the cost of this great production, after all, the big item is not labor, but it is profit depreciation and other matters.

The food, fuel, and housing supplied by the farm the board's report appraised at about $630 per year, which, the report points out, leaves the average farmer a cash income of about $100 out of the $730 earned by his labor during the year 1924.

That includes all of the farmers in the United States. That is the average all over the whole country. It is an appalling situation.

An average return of about $400 is allowed on the capital invested, making the total average cash income per farmer operator about $500 a year. Since the cost of food and clothing purchased by the average farm family during the year runs to about $475, the average farm income, the board points out, is only slightly more than enough to purchase the necessities of life.

Since these figures represent averages, the board's report declares, there must be as many worse cases as there are better ones, and in many instances, therefore, farmers must have had to forego payment of interest on debt, or taxes, to say nothing of repairs, equipment and maintenance, and proper care of the fertility of the soil, in order to pay ordinary living expenses. This situation, the report states, is illuminatingly reflected in farm bankruptcy statistics. The rate of farm failures from 1910 to 1924 shows an increase of over 1,000 per cent in contrast to that of commercial failures, which has remained practically the same per year during the same period.

They give the capital invested in farms, but use the figures which are not right, and I will not put them in the RECORD. They got them from the wrong source. The proportion, however, compares very well with the correct figures.

PER CAPITA INCOME

Striking is the comparison made in the report of the income per capita of the nonfarming population with that of farm inhabitants. While the income per head of urban population in 1919 was $723, $816 in 1920, and $701 in 1921, the per capita income of the farming population was $362 in 1919, $298 in 1920, and $186 in 1921. While this in a measure reflects the larger family usually prevalent on the farms, as compared with the city population, it does not make the feeding of these additional mouths any easier in the view of the authors of the report.

In summing up the causes of the farmer's difficulties, the report declares that while 60 per cent of the farmer's income depends on world conditions of supply, demand, and costs, which are out of his control, most of the elements entering into the expense of operating the farm; that is, the cost of agricultural production, are determined by domestic conditions which place the costs for the farmer on a higher level of values than the world level of values which determines the bulk of the farmer's income. Having to produce at a level of high cost, the farmer must meet competition which, producing at lower cost, limits the market for his surplus in accordance with the abundance or scarcity of world crops.

Mr. President, I think that statement is absolutely true. In reference to transportation under the law we fixed a value on the railroads, by machinery set up by the law, of $18,900,000,000. At the moment that value was fixed by law the market value of the railroads on the stock market of the United States, taking all of their stocks and bonds, was less than $12,000,000,000. The farmer can not get value for his farm products above the market. It is the market that determines what he gets, but this stock market is the greatest market in all the world, and yet the market value was not considered in fixing the value of those roads. Not only did the law fix the value but it fixed the rate of return upon the roads first at 6 per cent and then at 5¾ per cent, and that rate of return was covered not only upon the market value but on the whole inflated value of the roads, so instead of being actually 5¾ per cent it was nearer 8 or 9 per cent on the actual value of the roads at that time.

Now, I want to call attention to the bulletin of Mr. Hoover with reference to national wealth increase, which shows that the wealth of the United States increased from $186,000,000,000-odd in 1912 to $320,000,000,000-odd in 1922.

Mr. KING. That is the tangible wealth?

Mr. BROOKHART. That is the property of the country, not bonds and notes and obligations. It is just the property wealth of the country. That is the production of the American people. That is the production of capital in the United States, of work, of labor, of capital. That is the unearned increment or increase in property value. That is the decline of the dollar, and about 30 per cent of it, as I recollect, was due to the decline of the dollar, because the dollar did depreciate in value during that time, and yet the American people were only able to produce 5½ per cent a year compounded and added in each year.

But the railroads of the United States are given a return upon value more than 50 per cent above the market value of 5.75 per cent. Therefore, as the report said, since there are better cases above the line of average there are worse cases below, and since the railroads get more than 5½ per cent on an inflated value, somebody else had to take less than 5 per cent upon a deflated value below, and that was agriculture principally.

Mr. KING. Mr. President, for information may I ask the Senator what is the aggregate amount of the reported value of the railroads as the basis for this computation?

Mr. BROOKHART. Does the Senator mean what they call book value?

Mr. KING. The value accredited to them by the Interstate Commerce Commission.

Mr. BROOKHART. It started with $18,900,000,000. There have been additions each year since, and it is now up to $21,000,000,000 or $22,000,000,000.

Mr. KING. How do those values which have been given by the railroads compare with the valuations which have been found under the La Follette Act, to ascertain the physical valuation of the railroads? I know they have not yet completed the work.

Mr. BROOKHART. I think the La Follette Act considered the question of market value and also other elements, as pointed out by the Supreme Court; but if we want to consolidate the railroads we can do it by condemnation of those securities, and they would take the value of the securities without all this orgy of expert testimony in determining physical valuations. Some one said the stock market would increase 100, or maybe 200, per cent in one day. I said if they got a different expert witness on the stand they could increase it that much in an hour. They need not take a whole day to it.

Mr. KING. The Senator will recall that in one day, a few days ago when the lambs were ready to be shorn, stock values declined nearly $10,000,000 as a result of the raid on Wall Street.

Mr. BROOKHART. Yes; and there may be some considerable portion of that on the railroads. I think probably, even with boom prices to which they have recovered now, the railroads are not worth on the market now over $15,000,000,000 or $16,000,000,000, although I have no accurate check. I had an accurate check in 1920. Class 1 roads in 1920 were actually worth on market quotations in May only $10,500,000,000, and that is the year in which the value was fixed by the commission at $18,900,000,000. That refers to class 1 roads. There are a few hundred million dollars invested in class 2 and class 3 roads, so it probably would not raise it over $11,000,000,000 for all of the roads in the United States.

Mr. President, whenever we begin the proposal of a bill of this nature that is going to end discriminations of any kind, it immediately excites opposition in the railroad world. The pending bill has excited opposition, and very great opposition, in my State. I have received telegrams and letters from nearly every chamber of commerce in the State opposing the bill, because those chambers of commerce were urged to do so by the

agents and representatives of the railroads. They took their word for the situation and did not figure it out for themselves. Only a few of them have given me any instances whatever whereby anybody in Iowa would be injured, and usually those are cases of some promised favored rate to some point in the future, and not something they are getting now. All tell the story of disaster in what they are getting now.

However, there are two men in the State of Iowa who have studied the question. Mr. E. G. Wiley, traffic representative of the Greater Des Moines Committee and an expert upon the rate question of the highest order, has figured this out, and I think his knowledge and his advice are worth more than all of the general statements combined. As he figures it out, any system of discrimination will hurt Iowa and the Middle West, and ought to be removed.

Another man in Iowa who has figured this matter out is Halleck W. Seaman. He is a vice president of the City National Bank of Clinton, Iowa. He is also a member of the board that is operating the Government barge line on the Mississippi River. He has a very wide knowledge of railroad and inland waterway development. He has a perfect knowledge of conditions in the Middle West. He is of opinion that inland waterway development is absolutely necessary for the development of the Middle West in any proper degree. He is also of opinion that if the railroads are permitted to compete with water points they will destroy inland water competition in the future as they have done in the past.

I remember when we had boats all over the Mississippi River; I have traveled on them myself; but they are about all gone now, because competitive rates put in by the railroads took the traffic away from the Mississippi River and there is now no encouragement for the development of that traffic. After the river transportation is destroyed the competitive rates gradually disappear; the rates climb back somewhat to their old level. The railroads then have accomplished their purpose in destroying river competition. I think that is a short-sighted policy even from the standpoint of the railroads themselves. I think the railroads ought to cooperate with the water transportation, to give it its full share, that the railroads should make no effort to take the freight away from the water transportation. In that way I think they would get back from water transportation a compensation that would be greater than the loss. I believe that to be the natural result of any such development.

The railroad management in the United States, however, all seems to be back in New York. If one buys a ticket this morning to Chicago the money will be remitted to-night to New York. It is true all over the United States that all the railroad management centers in New York. While a railroad may have its hindquarters in Iowa, its headquarters are in New York. The railroads always see the problem from the New York standpoint, and never move out and get anybody else's view of the situation. Hence the railroads are unable to figure out the benefit of a law that would stop this discrimination by charging less for the long haul than for a short haul. They want to retain that power.

Mr. President, I think I can not do better now than to read a portion of Mr. Seaman's address upon this subject. He said:

> There are some 57 varieties of reasons why Iowa is potentially the greatest State in the Union. There are only two or three probable reasons why she is not. Iowa makes a brilliant record of touchdowns with her blue-ribbon achievements in a thousand and one lines of endeavor, yet, for some little understood reason, she has thus far failed to kick the real goal of her opportunity. By and large, Iowa has all the physical, financial, mental, and moral prerequisites for big performance, but lacks in that industrial and commercial symmetry so necessary to make of her a well-rounded figure in the sisterhood of States. It seems to be a plain case of arrested development.
>
> It is my purpose to try to locate the causes for this arrested development, and to suggest constructive ways and means for their removal. I will do the best I can to answer that current and pregnant question, "What's the matter with Iowa?" And in order that you may the more easily follow my line of talk I here and now make the following broad generalizations:
>
> That the trade ambitions of Chicago, coupled with the long haul but shortsighted policy of our granger roads, are the overshadowing and repressive influences that have made of Iowa a vassal State.
>
> That one available and outstanding source of relief to Iowa from this repression lies in a big-scale improvement of the Mississippi channel and its use as a preferential carrier of bulk materials at a price lower than the railroads can profitably meet. Chicago and Chicago's subservient railroads naturally oppose the improvement of the Mississippi above the mouth of the Illinois, for the obvious reason that once in commission much of the eastbound farm and factory tonnage now moving to and through Chicago would be diverted to the Gulf route.
>
> That out of the proven inability of our transcontinental lines to successfully compete with many Panama Canal rates may come an added and voluntary measure of relief from the railroads themselves. In order to recoup their loss of revenue these lines may make an effort to bring about a greater traffic density along their local rails, thus transforming these carriers into a powerful and welcome agency for advancing, instead of as now retarding, the prosperity of the State.
>
> That as we must have adequate and dependable transportation at any cost, but are entitled to have it at the lowest possible cost, consistent with reasonable profits to the carriers, it will probably be necessary for the Government to step in and insist upon a proper correlation and coordination of our rail and water highways, to the end that conflicting interests may be harmonized and rendered workable.
>
> * * * * * * *
>
> Every east and west railroad that serves Iowa has not only its eastern terminal but its executive direction in Chicago. These major roads are the Illinois Central, Milwaukee, North Western, Quincy, and Rock Island. They are termed the "granger roads" because their principal business has been to collect and bring into Chicago the raw farm products of the great agricultural States lying to the west of Chicago. It has been the practice of these roads to put into effect such freight rates as would encourage the long haul from the point of origin at the country station to the point of destination at Chicago, there to be either converted locally or to be turned over to connecting lines for eastbound movement.
>
> If converted locally at Chicago these roads receive 100 per cent of the revenue for their haul. If interchanged with eastern carriers, lake or rail, then the western roads, having originated the business, demand and receive the "lion's share," or not less than a 60 per cent division of the through rate.
>
> As a natural consequence, the "granger roads" do not look with favor upon the location at points along their local rails of industries that use farm products as their raw materials, provided such farm products can otherwise be marketed to advantage at Chicago or interchanged there.
>
> Their weapon, whether freight rate or capital discouragement, has been used to defeat the location of such industries at local points. The influence has been a most insidious one, and the towns in eastern Iowa in particular that have done their "damnedest" to build up or to locate this and that industry never knew what it was that defeated their efforts. But nine times out of ten, if the inside facts were known, it was the long-haul versus the short-haul policy of the railroads that was responsible for their blighted hopes.

Mr. President, in view of this great discrimination in favor of the big basing points against the rural points, I feel that all power and right of discrimination should be taken away from the Interstate Commerce Commission. I do not believe there can ever be justified a less charge for the long haul than for an included short haul, unless it might be in the case of shipments for competition in foreign countries. I do not believe that in the same social family, in the same United States, we have any right to build up one community in that way at the expense of another. I think the very life and union of our Government depend upon that idea. If the policy is going to prevail that all things must be centered at a few great points, then we are in a way to break down the equality and liberty of the American people as it is guaranteed to them under the Constitution of the United States.

Therefore I shall vote for the pending bill, not because it affords a complete remedy for the situation against which complaint is justly lodged, but it lays down a principle that will go far to remove the troubles that have contributed much to the cause of present unhealthy conditions, especially as affecting agriculture in the United States.

### CALL OF THE ROLL

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BROUSSARD in the chair). The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Copeland | George | Jones, Wash. |
| Bayard | Couzens | Gillett | Kendrick |
| Bingham | Dale | Glass | Keyes |
| Blease | Dencen | Goff | King |
| Borah | Dill | Gooding | La Follette |
| Bratton | Edge | Hale | McLean |
| Brookhart | Ernst | Harreld | McNary |
| Broussard | Fernald | Harris | Mayfield |
| Bruce | Ferris | Harrison | Means |
| Butler | Fess | Heflin | Metcalf |
| Cameron | Fletcher | Howell | Moses |
| Capper | Frazier | Johnson | Neely |

| | | | |
|---|---|---|---|
| Norris | Reed, Mo. | Simmons | Wadsworth |
| Nye | Reed, Pa. | Smoot | Walsh |
| Oddie | Robinson, Ark. | Stanfield | Warren |
| Overman | Robinson, Ind. | Stephens | Watson |
| Pepper | Sackett | Swanson | Weller |
| Phipps | Sheppard | Trammell | Wheeler |
| Ransdell | Shortridge | Tyson | Willis |

The VICE PRESIDENT. Seventy-six Senators having answered to their names, a quorum is present.

THE WORLD COURT

Mr. REED of Missouri. Mr. President, a telegram has just been received by the press associations, which I think ought to be of interest to the Senate. It reads as follows:

GENEVA, March 18 (by International News Service).—The Council of the League of Nations to-day decided to invite the United States to a conference at Geneva on September 1 to consider the reservations which the United States has suggested regarding her entry into the World Court.

In view of the fact that the American people in two great elections, by majorities of seven or eight million, decided that the United States would have nothing whatever to do with the League of Nations, and utterly, and as they thought finally, repudiated that organization, this telegram is interesting. We are now to be asked to sit down outside of the league and confer with the gentlemen inside of the league with reference to whether we will accept the jurisdiction of the court created, set up, managed, and controlled by the gentlemen inside of the league. It seems to me that we ought to take immediate action on this matter. Is this not a very appropriate time to pass a resolution naming a delegate and to apply cloture to the resolution, so that it can be passed before the American people know anything about it?

Mr. President, this simply illustrates the fact that you can not be halfway in a thing and halfway out of it; that you either have to join the League of Nations and become an integral part of it, or you must stay out of it completely and absolutely.

Lincoln once declared that a nation can not remain half slave and half free; and I desire, with all respect to the immortal dead, to paraphrase that statement: A nation can not remain half sovereign and half subordinate. We can not preserve our national independence and at the same time subject ourselves to the control of any international body. We can not be a nation completely controlling its affairs and at the same time submit any part of our policies to the domination of any foreign organization.

LEAGUE WILL "CONSIDER" SENATE'S COURT ACTION

We were told that this was a world court. The people of the United States were told that it was a world court. Senators pledged themselves to vote for a world court, some of them before they had ever seen the protocol or had been furnished with a copy of the so-called statute of the court. Senators pledged themselves to vote for this so-called world court without understanding that the very word "protocol" means something pasted in, and that this thing that we call a protocol was something to be pasted into the League of Nations compact. Senators voted for this so-called World Court, many of whom two days before had not understood that the documents submitted to us had not been submitted by any sovereign nation but by the secretariat of the League of Nations.

My understanding, based entirely upon newspaper accounts, is that when the Secretary of State received the engrossed copy of the proceedings of the Senate he was in doubt where to send it, and, being in doubt, at least some of the press stated that he had sent the document to the various nations composing the organization of the League of Nations and also had sent it to the secretariat, figuring, I take it, that if he did not hit with one barrel he might with the other.

And so, having started out with the idea, as expressed on the floor by many Senators, that we were entering a court that was a world court, that was not in any way tied to the League of Nations, that was completely divorced from it, we are now invited by the League of Nations to sit down with the League of Nations and discuss with this body which we refused to join the question of whether we have adopted proper reservations and have attached proper conditions to our entrance into this court, which is a league court and never was anything but a league court.

Mr. President, just 22 days ago we were rushed into a ratification of the court of the League of Nations. For the second time in a half century cloture was applied. For the first time cloture was applied before the question under consideration had been fully debated. It is true there had been a discussion of the general proposition of the desirability of a world court. There had been some discussion of the relation of the court to the League of Nations. There was no adequate discussion of either of those subjects, and especially was there no adequate discussion of the so-called statute of the court, or of the relation of the court through the covenant to the League of Nations. Neither was there adequate discussion of the inherent power of the members of the league at will to amend the covenant of the league, and thus enlarge or alter the claimed jurisdiction of the court.

A few hours before the forced vote was taken, five so-called additional reservations were introduced which were never really discussed. To all intents and purposes, they were not discussed at all. The reservations were brought forward to steady the supporters of the court, who were in consternation and threatening to desert.

The influence of the White House was exerted to the utmost to hold the staggering column in line. The last hour of the discussion, except seven minutes, was occupied by one Senator in a speech which is its own characterization.

By these means the result was accomplished. Back of this action, and perhaps accounting for it, was a paid propaganda which had been conducted for months. Many Senators, I am informed, had pledged themselves even in advance of this discussion. Many of them at the time their pledges were executed, I repeat, had never read the statute or the protocol of the court. In a vague and indefinite way they were for a world court, and hence appeared willing to accept any kind of a court. They were like people who are hungry and are willing to eat any kind of a meal of victuals. They resemble gentlemen who want a drink and are willing to drink any kind of moonshine that is offered to them, from any kind of a bottle.

Coinciding with these forces were doubtless two other elements—men who were earnest advocates of the League of Nations and who appeared to have regard neither for the decision of the people rendered in two great national elections, nor for the altered condition of the world, who were willing to support entrance into the court because they believed it intrigued us in the meshes of the league, and they therefore supported the measure. I have no doubt that is true of the greater number of men who sit on this side of the Chamber, one of whom, at least, the distinguished Senator from Maryland [Mr. BRUCE], expressly stated that he regarded the court as taking us practically into the league, and that he wanted us to enter the league. Others who had opposed the league, probably because it had been advocated by a Democratic President, now turned tail, and, under the lash of the present Republican President, went to heel and in principle voted for the very proposition they had formerly repudiated.

THE AFTERMATH OF GAG RULE

All this occurred but 22 days ago. What sincere and candid man is there who does not now regret our hasty and improvident action? What man is there so blinded by prejudice, so warped by preconceived notions, as not to find in the developments of the past six days an absolute demonstration of the falsity of the claims hitherto advanced by the league and for the league's court? We were told that the league was to be an assembly of brothers, inspired by the spirits of love and charity. What man is now so blind and deaf and prejudiced that he does not understand that the league is an assembly of political representatives of the nations, every man of which is controlled by the interests, the ambitions, the hates, and the fears of his own country?

What man is so dull that he does not know that the spirit is that of the gaming table, where each participant plays a selfish hand, thinking only of the emolument and profit to accrue to his own country? Who is there now that does not know that the great nations are playing the old game of balance of power and seeking to employ the league as an instrumentality through which they shall each realize its separate ambition?

Nay, more! Who does not know that when the Locarno pact, which was written and presented to the world as conclusive evidence that at last the spirit of amity and fairness had come to control the affairs of the great nations was made, there were secret and treacherous understandings substantially to nullify the benefits it was pretended were to be conferred?

What American citizen regrets the fact that our country is not involved in this web of intrigue, the threads of which are selfishness, avarice, hate, ambition, and aggrandizement? Who is there who regrets the fact that as this miserable exhibition of trickery, fraud, sham, and shame has been played out, the United States has occupied a dignified and clean position, outside and beyond the artifices, the fraud, the cajoleries, the flatteries, the falsehoods, the false pretenses of this once glorified body, proclaimed as the child of Christian civilization, and inspired by the spirit of Jesus Christ?

Mr. President, I shall prove to those who listen—I can prove nothing to those who having eyes refuse to see, and having ears refuse to hear:

1. That the present condition of the league is due to trickery, chicanery, and an absolute breach of faith.

2. That the league itself is an offensive and defensive alliance, seeking to assert the powers of world government, and that it was intended from the first to be controlled by four or five great, ambitious, and conquering nations.

3. That the President was in error when he declared that the court was divorced from the league, and I shall show, to the contrary, that the court is an integral part of the league, and completely subservient to its dictates.

4. That the so-called reservations which we attached afford no protection whatever to the rights or interests of America.

5. That these reservations are necessarily offensive to every South American country, and will provoke ill-feeling against this country, because, sir, when the United States asserts that no question can be considered by the court without the consent of the United States, when we make that reservation in face of the fact that a number of South American countries have already signed treaties to submit all their controversies to the court, in effect we assume the right to say that the court shall be closed in the face of those nations which have thus signed these treaties. We place them in a position of subservience to our will, which will be offensive to the proud Latin-American countries to our south.

EUROPEAN DECEPTION AT LOCARNO

The Locarno pact has been heralded to the world as an exemplification of the spirit of the millennium. Nearly everyone has accepted that statement as the truth, and not one man in 50,000 in the United States has ever read the document, and with all the respect in the world for my colleagues upon the floor, I question whether one-third of its membership has ever read the document. I do not complain of lack of intelligence on the part of my associates. I do not complain that they are not patriotic. I do complain of improvident action, taking mere newspaper statements for the verity in regard to the contents of important documents, or taking the flamboyant statements of European statesmen at their full face value. What is the Locarno pact, and how has it been treated and used in the last few days?

The Locarno pact between Germany, Belgium, Great Britain, France, Italy, Poland, and Czechoslovakia, among other things, provided that it ratified and approved the separate treaties between Germany, Belgium, France, Great Britain, and Italy.

It provided for arbitration conventions between Germany and Belgium, Germany and France, Germany and Poland, Germany and Czechoslovakia.

It guaranteed the maintenance of the territorial status quo of the frontiers between Germany, Belgium, and France and in substance bound Germany to accept forever the conditions laid down in the treaty of Versailles with reference to her external and her internal boundaries, if we can use the term "internal boundaries" to describe the conditions that were attached to certain parts of the German Empire.

There were reservations made as to Belgium and France, and those countries were permitted, as an act of legitimate self-defense, to make war on Germany in case she should violate article 42 or article 43 of the treaty of Versailles, which forbids military movements or fortifications within 50 kilometers of the left bank of the Rhine.

That is to say, the right was reserved to make war without going to any court, without going to any arbitral tribunal, without even going to the Council of the League of Nations. Who was to decide the question whether Germany had violated or had not violated in the absence of those tribunals? Plainly, that question was to be decided by those nations for themselves. They were to act upon their own judgment and upon their own initiative.

There is a provision for arbitration of disputes, or reference to the council or to the court, but it is expressly reserved that the right of legitimate defense includes resistance to and violation of articles 42 and 43 of the treaty of Versailles. There is also the express provision that in case of their violation it shall be regarded as an unprovoked act of aggression. Therefore the way is open to an attack at any time, because all that is necessary is for those countries to claim that there has been a violation. In such case, of course, Germany would claim there had been no violation, and instead of settling that question before the arbiter, the judicial or political tribunal aforesaid, the right is reserved to at once make war.

What are articles 42 and 43? They relate to the conditions of the Versailles treaty, which not only fixed the boundaries of Germany but particularly fixed the boundaries within which Germany can not move a soldier or move a gun or do any other act covered by the broad language of the treaty. Fifty kilometers on the left bank of the Rhine are marked out as a zone into which Germany can not move a troop, a gun, or any ammunition. Let us grant that that is all right, but when the time comes that any of those nations see fit to assert that there has been a violation they have expressly provided that they are not obliged to settle that question before any court or any tribunal, but that they can at once take up arms and call upon the League of Nations to sustain them under article 16 of the covenant of the league.

Mr. President, Germany gave her consent to these seemingly harsh conditions, doubtless relying upon the protestations of amity and good will and the claim that there was a universal desire to wipe out the bitterness that had theretofore existed between the nations, and in consideration of which Germany was to be given a permanent seat on the council of the league. She was to have full fellowship with France, Italy, and Japan. The permanent membership of the league was Great Britain, France, Italy, and Japan, while Germany was to take her seat beside those four great nations and to occupy and possess the important right of being one of the five great nations having a permanent seat upon the council.

It needs no argument to demonstrate, sir, that a permanent seat is of great advantage and weight. Germany was to obtain this fixed status, and her statesmen undoubtedly felt that under those conditions they would be able to protect the interests of the German people. As she took her seat there she knew, of course, that one of those countries, France, was incensed against her and she had reason to believe that Great Britain, Italy, and Japan were in good faith in their protestations of a desire to receive Germany back into the family of European nations. She had also reason to believe that France would in good faith, if Germany kept her agreement, receive Germany into this little coterie of great nations, which every man of sense knows was intended in the organization of the league practically to dominate that organization. That was the consideration Germany was to receive. Her statesmen undoubtedly felt under those conditions that they would be able to protect the interests of the German people.

But, sir, two things happened. The ink was not dry on the Locarno pact until France and Poland made a separate agreement, an offensive and defensive alliance against Germany, for that is the meaning of the treaty when stripped of all its hypocritical language. It could have been aimed at no other nation than Germany. It was aimed at Germany. To follow the phrase of another, it was a cannon pointed at Germany's heart. At the same time France and Czechoslovakia negotiated an exactly similar treaty, so that the action taken amounts to nothing more or less than an offensive and defensive alliance by three nations against Germany made at the very time that those six nations were sitting down at the table proclaiming that the dawn of a new day had come and that brotherhood and amity and good will were hereafter to control all of their actions toward each other.

It is now openly charged in the press of Europe, it has been charged by European statesmen of high renown, that at the very time the Locarno pact was signed the representatives of Great Britain and perhaps of other countries had secretly agreed with France that at the same time Germany was admitted, France's ally and Germany's enemy, Poland, would be given a permanent seat in the council so as to offset and nullify any influence or vote Germany might acquire.

The press must rely upon the reports of its correspondents, and they in turn must get the best information they can. I do not criticize the press. They have generally been right in these matters. Whether the press is to be trusted or not as to the statements of the fact I have just made, the indubitable truth is that France did demand a seat for Poland and that she was backed in this demand by Mr. Austin Chamberlain.

It can scarcely be doubted that by direction or indirection Mr. Chamberlain had made this pledge to France, and he made it secretly. Also it is manifest that at the very time France was sitting at the table signing the Locarno pact he had in mind a scheme to deprive Germany of the benefits which Germany expected to receive from the Locarno pact by bringing in an enemy of Germany and by giving an additional permanent seat in the council to that enemy, so that always and forever Germany's influence as a permanent member would be entirely different from the influence she had a right to expect when she signed the Locarno pact.

It is impossible to sustain the good faith of that kind of dealing. The incident is a complete demonstration of the fact that in dealing with these European countries, no matter what instrument they may lay upon the table, they are liable to have secret intrigues which modify, qualify, or destroy the effect of the agreement they have openly signed.

When we entered the war to defend our rights we understood that the nations of Europe had disclosed to us the object of the war, and that they would disclose to us thereafter frankly and fully all that concerned the common powers. That was not written in words. It was a conclusion that sprang from the facts and was assumed by the situation.

THE WAR AND EUROPEAN DECEPTION

Yet after we got into the war it was disclosed that there were secret treaties affecting the peace settlement, treaties and understandings between Italy and the allied countries other than the United States affecting Fiume and the Adriatic, secret understandings affecting Chinese territory whereby Shantung was to be cut from the heart of China and transferred to Japan, secret treaties between England, France, and Russia involving the Bosporus and the Dardanelles which would have controlled had the Czarist Government continued in power; and indeterminate agreements or promises affecting the Balkans, affecting Poland, and affecting Greece. So that we now have again a manifestation of the kind of double dealing we can expect in Europe where, as Mr. Wilson said in discussing the Fiume controversy, the old militaristic spirit comes back to control and the old and evil influences are once more dominant. That is not Mr. Wilson's exact language, but that, in my judgment, is a fair statement of it.

Mr. President, I desire to invite the attention of the few Members of the Senate who can still stand it to hear this question discussed, or sit to hear it discussed, to a few other facts in support of the propositions I have just laid down. I propose to undertake to demonstrate that the league itself is an offensive and defensive alliance leveled against the United States of America, and that the court is the absolute feature of that league.

FALSE ISSUES

But first I want to wipe out if I can some false arguments that have been constantly fed to the American people. A lot of people proclaiming themselves the anointed apostles of peace are denouncing all who refuse to accept their views as malicious individuals having a natural affinity for murder and other high crimes and misdemeanors.

Only recently it was, in substance and effect, said again that certain people, including myself, would not get very far opposing this measure until they could bring forward a remedy. Such senseless mouthings have no place in rational debate.

All decent humans would like to see the battle flags permanently furled, the roar of cannon forever stilled. The dispute, therefore, is not between the advocates of war and the advocates of peace. The dispute is between two classes of people, each desiring the peace and prosperity of the world, and let us hope most of them desire especially the peace and prosperity of America.

The one faction declares that the best way to preserve the peace and prosperity of America is, in consonance with the policies of Washington, to refuse to interfere in the intrigues and wars of Europe and to forbid interference with our policies on this side of the ocean; or stated differently, that America shall stay strictly at home, attend to her own business, and forbid foreign governments to trespass upon our rights. The other faction declares that the best way to keep the peace of America is for our Government to interfere in all of the disputes and wars of the world and to permit foreign governments to thrust themselves into the settlement of such disputes as America may have on her own account. In other words, the best way to keep out of the disputes and wars of the world is to get into all of them.

THE DOCTRINES OF WASHINGTON AND MONROE

Summed up, all these questions resolve themselves into one, namely, Shall we abandon the teachings of Washington and the traditional nationalistic policies of the past for the new-fangled doctrine of internationalism?—a poison that is distilling itself through certain channels in America and that is as un-American and as treacherous a doctrine as ever cursed a free people.

Shall we forego the advantages of our peculiar situation? Shall we quit our own to stand upon foreign soil?

Shall we abandon the Monroe doctrine, or at least abandon that important part of the doctrine which was expressed by James Monroe in these words—

> In the wars of European powers in matters relating to themselves we have never taken any part nor does it comport with our policy so to do. * * *
>
> * * * To cultivate friendly relations, * * * meeting, in all instances, the just claims of every power; submitting to injuries from none.

The proponents of internationalism, however, declare that these policies did not keep America out of the World War. That is true, but the other side of the shield is that from the birth of this Nation to our entrance into the World War stretches more than 140 years. In all of that period the United States was not drawn into a single trans-Atlantic war, although over 150 wars were waged in various parts of the world. Thirty or forty were of the first magnitude, notably, the Napoleonic conflicts which saturated the Old World with blood from the deserts of Egypt to the steppes of Russia.

During all these cataclysms the United States enjoyed complete immunity. Nay more. We acquired the vast domains of Florida and Louisiana and laid the foundations and built the walls of an impregnable empire in which life, liberty, and property are secure.

But then, sir, the captains of our fate were the profound Jefferson, the wise Madison, the brave Monroe, the heroic Washington—Americans all. They thought only of America. They rendered an undivided allegiance. Their feet were planted on American soil. They did not attempt to straddle the Atlantic Ocean.

But, say the internationalists, "nothwithstanding the policies of Washington, we were once in 140 years involved in a conflict between European powers, therefore you must now abandon his policy of nationalism and accept our doctrine of internationalism."

Say these gentlemen, "we assert"—and all we have ever had is their assertion, not one of them has backed his assertion with any logic or sound reason—"we assert that our internationalism will prevent wars and disasters not only in America but in all the world. Unless, therefore, you can propose an infallible remedy for war, you must accept our nostrum; and, if you do not do it, you had better not open your mouth in this country to utter a protest, for you will meet with condemnation and contempt."

They cry aloud, "What have you to propose?" We answer, "Adherence to the wise policies of Washington, which, it is true, did not infallibly prevent war, but which reduced embroilment in European wars to 1 in 140 years."

We admit that our policy is not infallible; but we assert that it does not follow that we must accept your proposed remedy unless you can propose a new policy which will certainly prevent future wars. We decline a doctrine which assumes that we can keep out of trouble in Europe by engaging in all of the troubles of Europe.

THE LEPROSY OF INTERNATIONALISM

Let me illustrate the idiocy of the argument of the proponents of the World Court. Leprosy has existed throughout the ages. It is the "white curse" of the Orient. Our policy has been to guard ourselves against its contamination by keeping away from leprosy-infected districts and colonies, and by guarding our gates against the entrance of its victims. Nevertheless occasionally an individual in the United States is afflicted with the disease. Our policy, therefore, has not been entirely successful.

Suppose now some imbecile were to declare that the way to exterminate leprosy is to turn the lepers loose on the community and for everybody to visit the leper colonies and purify the lepers by fondling their diseased flesh, and we were to reply that we declined the experiment. Would it lie in the mouths of the proponents of the new doctrine, therefore, to declare that we were in favor of leprosy and that we must accept their imbecilic proposition unless we could invent a nostrum absolutely guaranteed to exterminate the dread disease? We would answer that, although the present methods have not entirely wiped out the curse of leprosy, the proposed remedy would contaminate the world; that our people would lie along the highways rotting with the awful disease. We would say that, although we could not produce a perfect remedy, we nevertheless declined to abandon a method which had confined the disease and lessened its ravages for the foolish and deadly scheme proposed.

War is an evil. It has cursed the world through the centuries, but it is brought about by the voluntary actions of nations. Europe and Asia have been its two hotbeds. Their governments and peoples have, for their own reasons, resorted to the force of arms. They still pursue these policies. Even, sir, as I speak the cannon of Spain and of France are hurling their deadly projectiles into the patriotic columns of the Moors, who are defending their fatherland from invasion and exploitation. They are referred to here as tribes and people with no fixed habitat. That is not true; but it is true that most of them, like Abraham, are following their flocks and their herds from pasture to pasture, and most of them were civilized when our ancestors were wearing the skins of wild beasts. France has no more business in that country and Spain has no more right in that country than any other pair of freebooters have to invade the peaceful valleys of any

nation and to rob and despoil them of their homes and their property and their liberty. For my part my sympathies cluster around every bullet that is fired by those people in defense of their native land.

The dictator of Italy is massing armies and invading the Tyrol, or a few days ago was preparing to do so. The latest news is that he is still further increasing his armies. The further news is that he has declared that the legislative bodies now existing shall remain in perpetual session until 1928 or 1929, and that then none but Fascists, those of his own clique and crowd, will be allowed to take seats. This dictator of Italy, who assumes the power of life and death over the people, who attacks them for their religion, is one of the gentlemen whose representative will sit on the World Court to decide the rights of America. There are enough applications for admission to the United States now from this tyrant-cursed country so that if they could all come here we would not be able to absorb them during the next 20 years.

The British sea lord is declaring that England will, by her war fleets, keep the dominance of the seven seas. And, sir, at the Geneva convention one great British statesman, when they were discussing the question of an armed force to support the league, volunteered the statement that Great Britain would be quite willing to take over the policing of the seven seas; that is to say, he wanted the league to grant Great Britain the dominance of those waters that wash every shore of the world. She wanted the right to have her navy in fact what she has always sought to make it, the complete master of the oceans, and thus to become master of the trade and commerce and controller of the destiny of every nation. It was boldly stated at the councils of the league.

France appears holding in an extended hand the hat of the mendicant, unable to pay her international obligations to us; but back of that mendicant stand the serried columns of the greatest army on earth, and her soldiers are embarking to foreign lands to rob foreign peoples of their God-given and inherent rights.

Japan grips in a clutch of steel large portions of China and vast dominions belonging to Russia, and senselessly we conceded to her the dominance over islands in the North Pacific, every one of which in her possession is a menace to the United States, or may be at any moment.

The ingenuity and resources of the nations are strained to the utmost in the production of war planes and submarines, deadly explosives and poison gases. All these preparations are for exploitation, in part to hold the vast territories that were seized at the close of this war, when Great Britain took over at one time a domain greater than the eagles of the Cæsars encompassed in the proudest days of Rome's dominance. These preparations, I repeat, are for exploitation, for the glutting of national ambitions, for the engorgement of the stomach of rapacity; and all of the nations thus arming to the teeth are members of the League of Nations. Substantially all of them are represented by the gowned judges of the court. Such a court, created by such nations, is but an artifice to conceal the deadly purpose of its creators and to lull stupidity into a false sense of security.

THE COURT IS THE ARM OF THE LEAGUE

Mr. President, the court is the creature of the league. The purposes, powers, and dangers of the creature can not be appreciated without an understanding of the purposes, powers, and dangers of the creator. What is the League of Nations? What is its claimed jurisdiction? What are its policies? To what control is it subject? When we have answered these questions we shall have discovered the real jurisdiction and the real menace of a league of nations and of its creature, the court.

The league is composed of 55 or 56 nations, embracing every character of race—black, brown, and yellow—every kind of government from dictatorship to democracy; every sort of religion from voodooism to Christianity; every degree of progress from cannibalism to civilization. These 55 nations have formed a combination amounting in fact to a supergovernment. They have created two governing bodies—an assembly, composed of the representatives of all the member nations, and a council, composed of the representatives of 10 of the greater nations. They have declared the purposes and powers of this supergovernment in an instrument by them jointly signed. The league covenant expressly declares:

> That the assembly or the council may deal with any matter "affecting the peace of the world." (Art. 4.)

Any matter affecting the peace of the world!

That when there is war, or even threat of war, the league may take any action it sees fit; that any member of the league may invoke the jurisdiction and powers of the league as to—

> any circumstance whatever * * * which threatens to disturb * * * the good understanding between nations. (Art. 11.)

That if any nonmember state goes to war with a member state, or if two or more nonmember states go to war with each other, without first submitting the dispute to the league, all the members of the league will make war upon and destroy the state going to war; and this is true regardless of the justice of the cause. That is written in article 17; and the man who can read that article and not find that doctrine there is intellectually blind, deaf, and dumb.

In order to enforce this insolent and usurped authority all the members have formed an alliance and have directly agreed to make war upon the states not yielding obedience to their imperious demands. (Art. 16.)

Go and read it. Bear in mind, the United States is not exempt from the pains and penalties of this arrogant and bloody compact. Should we have a dispute with Mexico or any other country which in the opinion of the foreign gentlemen who officer the league threatens to disturb the "good understanding between nations," the league asserts the right to interfere, and if "war is threatened" these foreign gentlemen may summon the armies and navies of the criminal copartnership to destroy the United States of America. At the Geneva convention this doctrine was baldly and nakedly stated by Benes, of Czechoslovakia. It was accepted, and finally failed for lack of the one vote of Great Britain. That vote will come whenever British statesmen, who are wiser than the statesmen of any other country, looking down the course of time, observe that Great Britain's sun will shine brighter because they accept it. This attack upon us under the very terms of the league can be made and must be made unless we humbly accept the decrees of the league and prostrate ourselves to its sovereign commands.

I assert, therefore, that the league is a villainous conspiracy against the liberties of the nations of the world. It impudently asserts a world-wide jurisdiction. It boldly announces its purpose to enforce its pretended authority by "sanctions." But what are sanctions? No criminal ever says, "I murdered a man." He says, "I bumped him off." No thief ever says, "I stole the article and hid it." He says, "I stashed it." And so the language of diplomacy, largely devised along similar lines, uses unusual terms.

But what are "sanctions"? Sanctions, sir, are war. Sanctions are fire and sword, famine and plague, battle fleets of the sea, the atrocity of bursting shell hurled from the skies, the horror of poison gases that creep like innumerable serpents along the surface of the ground to put out the lives of men. Such are the indisputable facts; and if this league covenant had been signed in Europe without having been sugar-coated with the hypocritical pretenses that it was done in the name of humanity, of God, and religion; if the naked fact had been presented to the American people that 55 nations had signed a compact of this kind and proposed to back it with armed force, there is not a county in the United States in which American citizens would not have been drilling within 24 hours.

What is this lethargy that so envelops our souls? What is this fog that so obscures our vision? What has happened to the American people that compacts of this kind can be signed, and we not only sit supinely by, but we find men who would have us enter into this unholy compact and bind our Nation to accept the decrees of foreigners who constitute the membership of the league? And yet there are those who would lull us into a false sense of security by the siren song of universal peace!

That cry, sirs, was heard when the British armies were marching against the Colonies. There were men then who declared there was nothing to fear. There were men then who were talking amity and good will and loyalty to our sovereign, George III. There were men then who would blind the eyes of the American people and stop their ears; but there was one clarion voice that reverberated through the forests of America:

> Gentlemen may cry peace, peace, but there is no peace. Why stand we here idle?

Ah, if ever this country needed a Patrick Henry to arouse in it once more the spirit of independence; if ever this country needed a fagot from the altars of the Revolution to light once again the fires of national patriotism, it is at this hour. As I hear the league's pious protestations for peace, and then read this crimson compact, and witness the preparations of its members for war, there comes to me Tom Moore's description of the Saracen—

> One who could pause and kneel unshod
> In the warm blood his hand had poured
> To mutter o'er a text to God
> Engraven on his reeking sword.

I, sirs, am not an advocate of war. I hate and abominate war and all its evil brood. Hence I protest that the individuals who temporarily fill these positions shall not involve the United States in all the disputes of the world; that they shall take no action which will send America's sons to die in foreign lands, in foreign wars, created by foreign nations, and perhaps subject our sons to be under the command of foreign generals.

Hence also I protest that Uncle Sam shall not be soothed to sleep in the lap of an international Delilah, and so, shorn of his locks, awake only when the Philistines are upon him.

Such, sirs, is the League of Nations. Men may deny the truth, as they have denied it on platforms all over this country. Men may seek to cover up the facts, as they have done; but it is time for honesty of speech, for frankness of expression; and it is time for lying to cease.

Such is the League of Nations. What of its agent, the court?

1. There is no such thing as a world court. There is a league court. It was created under the authority of article 14 of the league compact. The protocol and statute of the court were adopted by the assembly and council of the league and sent out by the secretariat of the league only to members of the league and the states named in the annex. When signed by the several states it is returned to and filed with the secretariat.

3. Its so-called judges are nominated by the members of the league and by the members of the league only, and the members of the league may nominate even though they have not signed the statute of the court. That is statute 5.

4. From the men so nominated the assembly and council of the league elect the judges. They may also increase the number of the judges. That is statutes 1 and 14.

5. Vacancies are certified by the secretariat of the league to the league members. That is statute 18.

6. Salaries, expenses, and pensions for the judges are fixed by the council and assembly and apportioned among the members of the league. That is statutes 32 and 33.

7. Notices of all cases are sent to the members of the league by the secretariat. That is statute 40.

8. Notices of injunctions and mandates which the court directs against any nation to preserve the status quo upon a final settlement are transmitted to the council for such action as it may wish to take.

Is there anybody here who wants to say that when the court writes a decree and sends it to the council, and the council then is to take whatever action it pleases in the enforcement of that decree, that that court and that council are not Siamese twins, absolutely inseparable? The man who would deny that is not honest with himself, or else he has an intellect that travels in a very different manner from that in which mine travels. Perhaps that will explain some of my peculiar views.

The reasons given by the advisory committee and solemnly recorded in the records of the league are—

> That the measures, once they have been suggested by a court of the league, indicate the council of the league as the body most competent to suggest that the measures be carried out which are calculated to insure the effect of the sentences pronounced by the court.

Yet there are men who will say—the President has said—that the league was divorced from the court. I wonder who is advising the President just now.

In plain language, the judges decide and the league enforces. How they enforce is laid down in the league compact, article 16, which provides for the employment of every instrumentality of war, provides for cutting off commerce on the sea, for laying an embargo upon ports, for the employment of every method and means of bloody war, such war as has turned the soils of the world crimson, filled her valleys with bones, and made widows and orphans in every land since time began. What wonder is it that M. Lapradelle, of France, declared in the league:

> The court, being the judicial organ of the league, can only be created within the league.

THE LEAGUE COURT A FOREIGN TRIBUNAL

Who are the men to whom the propagandists and hired agents of somebody would have us submit the interests of America? Who are the members of this court to whom you rush with the fate of America in your hands?

Max Huber, president, of Switzerland.
Rafael Alamira y Crevea, of Spain.
Charles Andre Weiss, of France.
Dionisio Anzilotti, of Italy.
Antonio Sanchez de Bustamante, of Cuba.
Robert Bannatyne, Viscount Finlay, of Great Britain.
Bernard Cornelius J. Loder, of the Netherlands.
John Bassett Moore, of the United States.
Didrik Galtrup Gjedde Nyholm, of Denmark.
Yorozu Oda, of Japan.
Epitacio da Silva Pessoa, of Brazil.

DEPUTY JUDGES

Frederick Valdemar Nikolai Beichmann, of Norway.
Mikhailo Jovanovitch, of the Serb-Croat-Slovene State.
Dumitriu Negulescu, of Rumania.
Wang Chung Hui, of China.
[Laughter.]

To these men you propose to submit questions in which America is concerned. A few days ago I read this list of names, and at once offense was taken. It was said I was appealing to a low sentiment when I was asking for consideration of the names. Then it was asserted that there were a large number of men with foreign names, or with peculiar names, in our country, and that some of them had served in the war. I do not call this list of names to create laughter because of their strangeness to our ears.

I call them to emphasize the fact that they are a body of foreign gentlemen representing foreign nations, many of them representing nations utterly different from ourselves, representing codes of law utterly different from our codes of law, representing systems of religion entirely different from our systems of religion.

Of this group, Charles Andre Weiss and Dionisio Anzilotti represent nations challenging our right to collect honest debts and insisting upon at least partial repudiation.

Yorozu Oda represents Japan, with which country we have an acute controversy regarding immigration; likewise he represents the nation whose spokesman in the league declared that the judges ought to be "deified."

Antonio Sanchez de Bustamante, of Cuba, is the gentleman who overruled the decision of Chief Justice White, declared that that eminent jurist had violated his duty by going beyond the limits of his jurisdiction, and who blandly advised Panama to disregard the judgment rendered by Justice White.

Rafael Altamira y Crevea, of Spain, represents a country which we recently deprived of its colonies and in which distrust, fear, and hatred of the United States is deeply seated.

Robert Bannatyne, Viscount Finlay, represents Great Britain—always devoted to the policy of destroying its great rivals upon sea and land.

John Bassett Moore performs the contemptible office of decoy, placed by foreign nations on the international pond in the hope that American geese may be induced to light.

Which one of you would be willing to submit your own fortune or liberty or life to such a tribunal?

I cast no imputations upon these men. I do not care how exalted they may be in their respective countries; and I respect the countries of the earth. I do not care how earnest they may be in the laws of their lands. They are not bone of our bone; they are not flesh of our flesh; they are not wedded to our systems of law. They do not think as we think.

It is to this body you propose to consign the fate of the United States; or are you playing battledore and shuttlecock with words and setting up a shadow and telling us that shadow will produce peace in the world and stop all wars?

THE JURISDICTION OF THE COURT

Mr. President, let us examine the jurisdiction, or claimed jurisdiction, of this court. The court, being the creature of the league, it necessarily follows that the league can confine its jurisdiction and enlarge or contract that jurisdiction. To deny that is to deny the plain rules of common sense and of all experience. This the league may do by the simple process of amending the covenant of the league. Indeed, the league compact has been recently amended in the most important particulars, so as to enlarge and define the jurisdiction of the court. I have not time to go into that to-day, but on an appropriate occasion I shall show exactly how that was accomplished.

Under the covenant and statute as they now exist, the court has jurisdiction, as follows:

1. It is the sole judge of its own jurisdiction (art. 36), and its judgments, not only as to jurisdiction but as to all matters, are final and without appeal (art. 60). That is another one of the statutes many of you gentlemen did not read.

2. It has jurisdiction of all cases referred to it by the parties. Such reference may be, however, by general treaty stipulation. In cases of such treaties the court can exercise a compulsory jurisdiction. (Stat. 36.)

3. It has jurisdiction of all matters specifically provided for in treaties and conventions in force between the members of the league. (Stat. 36.)

4. Any member of the league may force its opponent before the court by refusing to arbitrate, and thus obtain a decision interpreting any treaty, or as to any question of international law, or as to any breach of international obligation, or as to the extent and nature of reparations to be made for such breach.

This is true, because under article 13 of the league covenant as amended all of the members have agreed that such disputes are cognizable by the court unless arbitrated, and, as I have said, arbitration can be prevented by any one nation refusing to arbitrate.

Clearly, therefore, substantially all disputes between France and Germany, or between France and England, or between France and Belgium, will be cognizable by the court as soon as Germany is admitted to the league, and before she is admitted to the league, the league assumes the right to take jurisdiction over nations outside the league, under the articles I have already read. Clearly, also, all other treaty disputes between the 55 members constituting the league are cognizable by the court.

5. A court may give advisory opinions upon any dispute or question referred to it by the council or the assembly. I have shown that the league asserts the right to interfere in any dispute of any character arising in any part of the world, whether between members or nonmembers, which the league thinks will even disturb the good understanding. It follows from what has been said that there is no conceivable question which is not justiciable by the league if it arises (a) between members under a treaty signed by the members; (b) there is no limitation whatever upon the advisory opinions which may be asked by the council, and when such opinions have been asked, or even without them if the league asserts, I repeat, the right under articles 16 and 17 to make war in order to enforce its will.

EXCUSES OFFERED BY LEAGUE COURT ADVOCATES

Our opponents present certain objections which, while they interfere with the course of my argument, I will take up at this time. They say, first, that the court is an innocuous body, having no jurisdiction except by consent of the parties, and that it is totally without power to enforce its decrees. Have we not heard that argument on this floor? Did we not hear it about the time we were to have cloture?

I have shown by the records that that argument is not true. I have shown it by literal quotations from the league compact, as amended. If that were true, if this league were an innocuous body without jurisdiction, then the entrance of the United States into the court would be merely a stupendous fraud, an unspeakable farce. In such case nine judges would be nine judicial ciphers inclosed in a vacuum.

Second. It is claimed that reservation 1, which provides that—

adherence to the court shall not be taken to involve a legal relation on the part of the United States to the League of Nations or the assumption of any obligation by the United States under the treaty of Versailles—

protects the United States. Mr. President, the reservation is purely idiotic, for if a legal relation is in fact established, any declaration that the fact does not exist is utterly futile. So also if no legal relation has been established, any declaration to that effect is mere surplusage. Upon that construction I could pile authorities until even those patient souls who listen to me to-day would abandon the Chamber.

But, sir, the legal relation is in fact established when we take our seat upon the court and participate in its deliberations and join with the other members in the rendition of decisions. A fact can not be expunged by a recitation that it is not to be regarded as a fact. Abe Lincoln once asked a chap, "Suppose I say that a dog's tail is a leg, how many legs will the dog have"? This stupid fellow said, "Five." Abe said, "Oh, no; you can not make a tail a leg by calling it a leg." [Laughter.]

Third. We have provided that—

no advisory opinion shall, without the consent of the United States, be given touching any dispute or question in which the United States has or claims an interest.

Let us examine that a minute. A broad construction of this language results in the court being unable to move in a single important instance without first expressly gaining the permission of the United States, for there is no question great enough to produce war or international strife in which the United States does not have and may not justly claim to have an interest. Such an absurd construction therefore will never be entertained.

It follows that the language will be construed to cover only those disputes in which the United States has a direct and immediate interest, separate and distinct from the general interest which all or a majority of the nations have in the question to be decided. Indeed, I think our interest must be that of a party to the dispute. That, Mr. President, is the construction we follow in every one of our statutes. We provide that a judge must not be interested in a case, and yet we allow him to sit if there is a taxpayer's suit, although he be a taxpayer, because his interest is the interest that the community has in common with him. All judges are interested in law and in order, and if we were to say that that sort of interest disqualifies, no judge could be found to try a case. So in this instance, if we say that the United States can bar any claim in which it has an interest and give it the construction that any interest the United States may have that is not direct can operate as a bar, then we close the door of the court permanently, for we are interested in all of these questions in an indirect way. With this limited construction of the language, the reservation affords us little or no protection, as I shall proceed to show a little later.

Fourth. It is provided in the reservation that—

the settlement of differences between the United States and any other State can be had only by agreement thereto through general or special treaties concluded between the parties.

As to that reservation, it may be said that if the United States asserts such a reserved right for itself it must concede similar rights to all other nations, so that the court in no instance would have jurisdiction, even at the request of its creator, the league, except by mutual consent of the parties. Thus, the court is reduced to the same jurisdictional standard as The Hague court, and becomes a useless and superfluous piece of international machinery. It is merely a fifth wheel for the international cart. Besides, such a doctrine brings the court to be a mere arbitral body to which nations willing to settle can resort, and, as I have said, has practically no advantage over The Hague court. It has numerous disadvantages not attaching to that body and not attaching to the ordinary arbitration. It is not comparable with the established process of arbitration, for arbitral courts can be selected with reference to a particular case, and may be fairly free from prejudice in a special instance, whereas the court is composed of permanent judges, nationals of important countries certain to have interests in the question in controversy.

Fifth. In the debates in the Senate the two leading proponents of the court were forced to admit (a) that they never would consent and that the United States never would consent to submit to the court any great question of international policy or any question vital to the United States; (b) that if the United States claimed such immunity, a similar immunity could and would be claimed by all other nations; (c) that nations only go to war over great questions of national policy or those which vitally affect their interests; (d) having been driven thus far those gentlemen in this Chamber were further compelled to admit and did solemnly admit of record that the league court would not prevent war. Thus they conceded and admitted away the entire arguments advanced by the proponents of the courts. Thus they dispelled the cloud of subterfuge and of sophistry and of falsehood which has been put before the American people, to wit, that they were told that the league court meant peace to the world and the settlement of all great questions by judicial arbitrament. They conceded away the argument advanced by the proponents of the court. Both of those gentlemen denounced as foolish the idea that wars would not recur in the future. The most they claimed for this marvelous court, as it has been presented to the American people by the judicial vanguard of the millennium, was that in some instances it might serve to smooth out the smaller wrinkles, to appease any minor irritation. What a pitiable situation in view of the fact that those gentlemen have themselves helped put forth the propaganda to which I have just referred.

THE LEAGUE COURT POWERLESS TO PREVENT WARLIKE PREPARATIONS

While I am on that subject it is said, "Oh, the court is a cooling-off place." How often have we heard that miserable, silly twaddle about a cooling-off place. These gentlemen talk as though nations went to war like two men with their fists. When somebody calls a man a vile name, he hits him before he has time to think. Not a single war of history ever began that way. Nations go to war over great questions that they have thought of for years. There may be a spark that lights the powder magazine, the spark may be small, but they have

been gathering that powder for years and for a purpose. The man who does not know that does not know much of anything.

Let us take the last war. Does anyone suppose anybody acted there without knowing what he was doing? About two hundred years ago the King of Prussia began forming the nucleus of the Prussian Army. He starved himself and his family and dressed like a peasant in order that he might gather silver through means of taxes wrung from the people. Having no place else to store it, he made solid silver balustrades for his palaces. All the people wondered at him wearing wooden shoes and peasant's clothes, and placing silver balustrades in the palaces; but when his son, afterwards Frederick the Great, was called to the bedside of the father just before he expired, he whispered in his ear, "My son, you will go to war with Austria. Then you will melt the silver balustrades into dollars." They had been accumulated through the years. The army had been building, built to carry out a policy of enlargement.

Out of that policy, operated by the King of Prussia nearly two hundred years ago, grew Prussia and from Prussia sprang the great German Empire. The German Empire pursued those policies. She drilled her men; she opened her schools to study every art of war. Chemists were busy night and day devising instrumentalities of destruction.

And England? Was she not acting with full knowledge of those policies? Years before the war she made an offensive and defensive alliance against Germany. She made it secretly. It is contained in two scraps of paper, not even a formal treaty—letters that passed. Two or three years before the war began the minister of the navy prepared for it, as Winston Churchill said in his own book of and concerning himself, preparing for the eventuality. He had placed or prepared to place 16-inch guns on vessels that once were armed with 12 and 14 inch guns. He was in such haste that they took the chance of the guns not working. They mounted the guns and for a year before war was declared the British Navy was mobilized at the point of vantage and practically stripped for action so that it could move upon a few hours' notice.

France was enforcing her universal draft; France was training every one of her gallant sons to be ready for the day; France had the numbers of the automobiles, and knew where she could instantly call them in order to rush her troops to the front. All this was prepared; all this was in readiness for the day when it came, as they all knew it would inevitably come.

England had served notice upon Germany months before the war that she must quit building warships and had told Germany that if she dared pursue that policy, England would build three vessels to her one. If England had told us that, if we had had a real, red-blooded American for President, he would have told England that we would build six vessels for each of their three, and we would have been getting ready just as those countries were getting ready.

Gentlemen talk about "a place to cool off," as though somebody had sat beside a hot stove and got into a sweat and needed to open a window a little while to cool off. It is part of the tommy-rot that has been fed to our people—absolute, sheer drivel. The place for nations to cool off is in their council chambers before they get ready to gather the instrumentalities of war. The way for nations to cool off is for them to cultivate the spirit of decency and quit the policy of robbery, for I say to you, Mr. President, that practically every war of modern times can be traced to one thing—the insatiate desire of nations for territory; the ruthless willingness to invade the homelands of other people and to take that which others possess. Sirs, that desire is as rife to-day as it was in the days of Nebuchadnezzer, of Rameses, of Alexander the Great, of Cambyses, of Xerxes, of Darius, of Attila, and all the other monsters who have cursed God's footstool. It is part of the modern foreign policy.

I repeat that Great Britain took as a result of the World War more territory than Rome occupied in the greatest day of her power, and what she did not take, France and Belgium and Italy took. They took that territory by secret treaties which were all made in advance and made Almighty God witness their sacred and holy purpose of loot.

SENATE RESERVATIONS DO NOT PROTECT UNITED STATES

Mr. President, I now invite the attention of Senators to the fact that the reservations are wholly ineffectual to prevent the United States from being seriously hampered and perhaps tragically injured by the decisions of the court by our participation therein. It would, sir, require a volume fully to develop this theme. No mind can be projected into the future far enough, no eye can see clearly enough down the course of the years to come, to divine or visualize the particular circumstances that may at any moment confront us. In what I say to-day I shall only refer to two or three very patent conditions which lie immediately across our path.

I assume, sir, now that the individual representing the United States shall take his seat upon the court. What questions may be presented for decision? It is absolutely certain that the court has jurisdiction of all disputes arising under treaties which provide that the disputes under the treaties shall be submitted to the court. That brings in every nation that signed the League of Nations covenant, for under the terms of the covenant they have all agreed to submit their controversies to the court since the league covenant has been amended.

Besides that, 15 separate treaties have been made embracing the express provision that any disputes arising under the treaty shall be submitted to the court. A large number of these 15 nations are South American countries. It follows, therefore, that all the disputes between such South American countries can be brought before the court. The disputes may in a sense be local in their character; yet they may, in the opinion of the United States, impinge upon the Monroe doctrine. We then are placed in this situation: If we take part in the decisions we must abide by the majority vote of the judges; if we do not take part, the United States is placed in the dilemma of denying to the South American countries the right to submit a question to a court which we have recognized and on which we occupy a seat.

Let me digress for a moment to consider that situation. We take a position upon the court; two South American countries have a dispute, and we veto, or try to veto, the court's passing upon that dispute—the very court on which we have a seat. What will our attitude then be? How will we then appear to the proud countries to our south, when we say to them, "You are so inferior to us that you can not come and present your claims to the very court that we have recognized and on which we have a seat"? Sir, if I were a South American statesman, I would die in my tracks before I ever would vote to allow the United States to enter the court with a reservation that the court could decide no question without the consent of the United States. I would say, "That means that the United States could employ the court at will, if it could control the court so as to gain a decision that suited the United States, and, if the court were not so constituted, she could refuse my country entrance to the court and set up the Monroe doctrine in place of the decision." I would say, "I would never submit to my country being placed in such a humiliating position." Yet that very condition is likely to arise at any moment of time.

While I am speaking of South American countries let me touch for a moment on Brazil. Brazil vetoed the scheme for the rape of the compact with Germany. Some people say that Brazil was a pawn; that she acted for other nations. So some people say Sweden was a pawn, and she acted for other nations, but, sir, as I turn my eyes across the ocean, I see in Sweden a people of wonderful vitality, of wonderful intellect, and wonderful courage, and I think the good sense of Sweden acted in this case. And as I contemplate the great nation to the south of us, Brazil, and visualize as nearly as I can the wonderful future that lies before her, I think she had a statesman who towered above us, who, looking into the future, truckling to no president, obedient to no propaganda, chained by no cowardly fear of a sentiment created at home when none had the courage to meet that sentiment and destroy it, stood for his country and his country's rights, and I pray God he will still continue so to stand. For my vision of the future is that Europe has a set of interests peculiar to herself, problems of her own, masterful statesmen to meet them; and if they can not meet them, surely we amateurs, 3,000 miles away, who would get lost in a London fog in four minutes and would not know how to find a police station, can not very well advise the great European statesmen.

This miserable conceit of America! I give place to no man in the exaltation of my country. I believe our people in the aggregate are a wonderful people. I think that the future holds in store for them a glorious prospect, but I am not foolish enough to think that we Senators, picked from all trades and professions, called together temporarily, unacquainted with Europe and European affairs, can go over there and solve European problems. I know that the blessed, sweet-faced, saintly old ladies who meet in these clubs can not advise Chamberlain; they can not advise Benes; they can not advise Briand; they can not advise any of these statesmen how to run their countries. We might just as well understand that there is no monopoly of brains or virtue on this side of the Atlantic Ocean.

I would not want most of these people who want to run the world to manage my backyard. I would not want them to manage my life or tell me how I could live, because then

I would have to live just as they do. They have a right to live their way, and I have a right to live my way, but God knows I think my way is the best, or I would live their way. I do not want their advice on how I am to live. So instead of repeating this silly stuff "America has a great duty to the world," would we not better wait until we can take care of our own affairs?

We can not conduct our own business here in a businesslike way. We can not keep our own Government pure. The vile and loathsome leprosy of fraud creeps into the very Cabinet of one of our Presidents. An Attorney General declines to answer questions touching his official conduct upon the ground that it would tend to incriminate him and involve others who shall be nameless here. Our public domain is granted away, and we must go into the courts to gain it back. Poverty and privation exist in the very shadows of the palaces of the wealthy. Crime is rampant. Officers of the law, decorated with a badge and armed with bludgeon and revolver, hold up and shoot down citizens upon the highways. One of our own Members is condemned, I fear—I pray not—to the life of an invalid by the wild shot of a wild man turned loose with a certificate as an officer. The doors of homes are battered down by irresponsible villains. Men soaked with whisky go out upon the highway and stop citizens as they pursue their course of duty or go to their places of business or their homes. Assaults are perpetrated upon women. Education is in a shameful condition, some of the States having illiteracy mounting to an alarming degree. And yet, in the face of these conditions, we propose that we shall sit here, without any knowledge of the facts, and regulate Europe.

Why, if we went over there we would be in worse shape than any innocent old farmer who comes to town for the first time in his life, who gets acquainted with a gentleman who knew him and all his relatives, and buys a gold brick in the next 30 minutes. We have been gold-bricked once, sir, in the city of Washington, when we destroyed our chance to have a great Navy and control the seas. We are to-day in a position where we can not meet on equal terms the fleets of Great Britain, and will even be at a disadvantage, in my opinion, in a contest with Japan.

We have some tasks of our own. Let us get out of our heads the idea either that God Almighty appointed us to run the world—it is a mistake—or that we would have sense enough to run it if God had appointed us, unless He had given us a new set of brains.

Mr. President, that is a slight digression. I want to return now to these illustrations.

All of these disputes under the Versailles treaty, under these other treaties, under any treaty that may be made, go before the court. The court is as inseparable from the league as the Supreme Court of the United States is inseparable from the scheme of the Federal Government. Indeed, the relation between the court and the league is much more intimate than that between the Supreme Court of the United States and the other branches of the Government of the United States, because in many instances the council of the league and the court have concurrent jurisdiction over the same subjects, and can be considering them at the same time.

ONCE IN, THE UNITED STATES CAN NOT ESCAPE RESPONSIBILITY

Mr. President, once we have accepted a seat upon the bench we can not escape responsibility. We immediately begin, through our representative, to intermeddle in all of the conflicts of the whole world. We take part in the decisions, and if we exercise the power we must accept the responsibility.

Let us see how far that responsibility extends.

A dispute of a grave character arises, threatening war. It is submitted to the court. We sit in the case. We join in the decision. One of the nations refuses to obey. Immediately the council, under the provisions of the amended covenant, takes action to put down the offending party. Under the authority of article 16 it calls upon all the league members to contribute men, money, and arms. Is there anyone so foolish as to think that the United States will not be requested to contribute its quota?

Having entered into this scheme for the preservation of the peace of the world by joining the court, have we not morally bound ourselves to stand by the decision we helped to make? Is there, sirs, any obligation resting upon a nation except a moral obligation? Treaties are only moral obligations, for there is no authority to enforce them unless it be this new supergovernment of the world. Are we not just as much bound as though we had agreed in advance to furnish our share of the international posse comitatus?

What is the United States to say? Is it to appear with the contemptible plea, "We entered into your scheme for compelling the peace of the world; we took part in the execution of that scheme up to the point where money had to be contributed or blood had to be shed; and now we will turn our backs upon our associates and flee like cowards from the field"?

America never will do that. When she has a population capable of doing that, then the stars will have faded from the flag, its red stripes will have disappeared, and the white banner of cowardice will float over the land to which Washington and his soldiers fought to give birth.

Again, regardless of the reservations, the statute of the court affords us little if any protection. First, the league covenant is really the constitution of the court. Get that into your minds, please. The league covenant is the constitution of the league and the court. It can be amended, I repeat, at any time by the league members; and they have amended it, placing among the questions that are to be decided by this court questions which Mr. Wilson expressly reserved from decision.

Under the covenant the court was created. The jurisdiction of the court has been extended, as I have said, over cases previously subject to arbitration. The league covenant can be further amended at any time by the members of the league, and upon such amendments we have no vote, because we are not members of the league.

IT WILL BE TOO LATE TO WITHDRAW

It will be replied that in this case, if unsatisfactory, we can withdraw. That is to say, the gentleman sitting on a keg of powder blandly explains that he is going to get off as soon as something happens. When something has happened it is too late to withdraw.

We entered the World War because Germany had warned us off the seas and had sunk some of our vessels. That was the reason. That is the reason solemnly written in the records; and yet, almost the hour after we had entered it for those reasons, we were told that we were to democratize the world, and we were told that we were to establish the liberty of small peoples. We were told that we were general crusaders everywhere; and yet the fact was we were none of those things. If we had been starting out to democratize the world, we would not have enlisted three or four kings as our side partners in the enterprise of destroying monarchies and setting up republics. If we had started out to establish the liberties of small nations, we would not have united our arms with the nation whose chief historian boasts that England has always been the great conquering nation, for we would have had to lop off India; we would have had to break the chains of Egypt; we would have had to cut the shackles from the limbs of more than 150,000,000 people who are held in subjection by British bayonets and kept from freedom by British machine guns.

We would not have gone into partnership with France. I hardly think we would have gone into partnership with Belgium, for I remember that it is only a few years since one of the horrors of the world was the condition of the natives in the Congo, a Belgian Province, where it was said they were treated with an atrocity indescribable and unbelievable. We would not have formed a partnership with Italy as a kingdom or Italy held in subjection by a dictator.

But we went into the World War; and I remember that as I sat in my seat there sat beside me a great Senator from a Southern State, a man of fine intellect. When the British delegation came to this Chamber and asked us to send troops across the seas, and send them quickly, this Senator said to me: "My God! are we to send our boys across the sea? I never would have voted for war if I had thought we would come to that." He had hugged to his breast the delusion that many then entertained that the mere declaration of war by America would stop the war. That sort of foolish stuff had been talked to our country until many wise men believed it.

We went across. Our troops fought gallantly and well. We loaned these nations ten thousand millions of dollars. We did not wait even to conform to the statute and take from them their bonds in the form provided by the law. We took their note of hand, their obligation that they would thereafter give their bond. We poured our treasure into their lap. We sent the boys from our homes across the sea to defend their cities, and to die upon their soil. Yet they charged us for the very land on which our troops stood when they beat back the German Army in its almost triumphant movement toward Paris. They rendered bills to us for a bridge which an American Artillery officer blew up because German troops were moving across to attack the American Army.

The war ended. Were we able to get our boys home at once? Not so. They said, "Keep at least enough to help us hold the territory we have taken from Germany." So we kept them there and quartered them beside the black troops which had been put in to control the German people. I do not remember how long it was afterwards before our boys returned, although

I offered the resolution myself to demand that the President call those troops home, but it seems to me it was a year and a half, but at last we got our troops back.

Then what? Then, sir, we were met with the outrageous statement that we had not done our share in the war; that in some way or other it was our duty to have anticipated the war, to have had our troops already in Europe to fight the battles of France and of England and of Belgium, not our own; and that having failed to do that, we ought to forgive the debt they had contracted, the debt that went for clothes for their soldiers, for shoes for their soldiers, for powder and shell for their soldiers, for food for their people, their armies, and their civilians; that they did not owe us anything, and that we ought to forgive them. They are over here to-day substantially repudiating their debt. When our boys went over they met them at the docks. "Vive les Americains!" was upon every lip, and there were kisses for every American boy, but now curses and imprecations. The name of America is hissed in every theater of France. Officially, diplomatically, we are still pleasant and agreeable, but deep-seated hate exists among the masses of the people toward the fathers and mothers of the American boys whose blood enriched the soil of France with the holiest tide ever poured from human hearts.

With all this before us, we propose to do what? To enter a court that decides cases by a majority of votes, and we will have 1 vote out of 9. There will be eight foreigners, everyone of whom loves his own country, everyone of whom would send his boy to die to-morrow in a war against America, everyone of whom responds to the impulses of a life that is rooted, through its ancestry, deep in the soil and history of his land, everyone of whom will sit there on that court to guard the interests of his own country. We propose to submit America's interests to such a tribunal.

JAPAN AND THE MONROE DOCTRINE

What cases can arise? I say the reservations do not prevent this sort of case arising: Japan makes a treaty with Mexico. Under that treaty Mexico grants to Japan the right to have her war fleet in Magdalena Bay, and we protest. Where shall we protest? Shall we go to this court? If we do, we acknowledge its jurisdiction. When we have entered that court, acknowledging its jurisdiction, we have gone into a court from whose decision, by express terms, there is no appeal. We plead the Monroe doctrine; and they say to us, "The Monroe doctrine? What is it? Where is it written in international law? Where is it recognized in international law? Per contra, it has been universally repudiated as a part of international law, and there was a fellow named REED over there in the Senate, who, when you were debating your reservations, asked you expressly to provide that the Monroe doctrine should be admitted as a principle of international law, and you would not put it in. Now, how are you going to plead the Monroe doctrine?"

Then they proceed to decide the case on international law, and what is the decision? That Japan is a sovereign country; that Mexico is a sovereign country; and that one sovereign country, under every principle of international law, has the right to cede its territory to another sovereign country. Are we saved in a case of that kind? We are not, sir. We are entangled and humiliated.

Extend the illustration, if you please. Haiti, this country which our marines now hold in a condition of semipeace, is a member of the League of Nations, and if we entered the league to-morrow Haiti would have just as big a vote as we would have. Suppose Haiti were to make a treaty with Great Britain, conceding Great Britain rights in the harbors of Haiti, from which the British fleet could in a few hours' time attack our coasts. Suppose Haiti and England have a dispute, or suppose they fix up a moot case and take it to the League of Nations, England claiming that she has certain indestructible rights in those waters under a treaty. Suppose we sit on the court, and the case comes there. What are we to say? A sovereign nation granted to another sovereign nation rights in the waters of one of those nations. Then we say, "The Monroe doctrine!" Ah, but there is no Monroe doctrine that is a principle of international law, and the decision goes against Haiti, and the British fleet moves into those waters. Then we assert the Monroe doctrine, and what happens? We have to assert the Monroe doctrine against the decision of a court which we recognized and on which we had a judge. What else happens? The court decides against us. Fifty-five nations that have signed the compact of the League of Nations have solemnly agreed to make common cause against us with fire and sword, with shell, with airplane, with poison gas, with all the hell of war.

THE LEAGUE OF NATIONS IS AN OFFENSIVE AND DEFENSIVE ALLIANCE

Somebody says, might they not do that now? I grant you that. The League of Nations is to-day a great menace. It is an offensive and defensive alliance. It does repudiate the Monroe doctrine, and if Great Britain or any other nation—I am not singling out Great Britain invidiously, let it be understood—if Great Britain or any other nation were to seek rights which violate the principles of the Monroe doctrine, all this great combination of power, this trust of arms, might hurl itself upon us, but at least we could say, "We have never acknowledged your authority. We have not bound ourselves to the conditions of your compact. We stand where we have always stood, upon our rights as a great and puissant power, charged with the duty of the protection of this hemisphere. By the living God, we will protect it to the end." We will be entangled in none of their infamies. We will have proved the way twice over.

I stand here as James Monroe stood when he faced the Holy Alliance, with all its power and prestige, with only a little scattered population of frontiersmen and a few men in a few small towns to back him, and declared to all the world, "You shall not conquer, subjugate, and enslave any of the nations of this hemisphere."

Mr. President, it is hard to preserve the mask of hypocrisy far enough. "Though the mills of God grind slowly, yet they grind exceeding small." At last the selfish individual must expose his purpose. The seeker after power must display his object. The trickster will eventually make a mistake, and so the truth comes out. It came out at Geneva in the last four or five days. There was no good faith there. I do not speak in defense of the German people. If the same thing had been done to any other nation, I would have equally spoken. I am employing these facts because they tell the story and that only. When the nations met at Geneva good faith required that they should meet with clean hands and receive Germany as a permanent member of the council. That had been the condition of the pact. But they had been playing a game behind the curtain. Their real purpose had been concealed. They wanted to bring Germany in and at the same time they wanted to fix Germany so that she would have no influence when she was in. I care nothing, I repeat, for the question so far as it concerns the German Nation, but I care everything for it because it exposes chicanery, trickery, fraud. It demonstrates that once more in Europe there is the old battle for the supremacy of the great powers. There is the question of the balance of power. There is the same situation that has existed in the past, and for that I say, in God's good name let America keep free from such things as that. Let us stand aloof. Let us pursue the course of the past, and that is not a selfish course, for the example of America has broken the chains of other peoples. By example we have led them where by power we could not have forced them.

THE EXAMPLE OF AMERICAN LIBERTY

It was the spark that came from the flintlock of Washington's soldiers that lighted the fires of the French Revolution. It was from the fires of the French Revolution that the night of bigotry and intolerance and tyrany of all the world was gradually illumined. The English commons rose, and by peaceful means destroyed the prerogatives of the Crown and established the right of the masses of the people, until to-day an Englishman can stand before all the world and declare himself a free man.

This spirit of liberty that was born anew here in America has entered into the hearts of the people of all nations. It is felt in Egypt where the brown hordes are seething with the desire to obtain their independence. It is felt in China, whose dead charnel house seems to be bringing forth the living spirit of a race of men who may yet reassert themselves upon this earth.

It is felt in farthest India, where men willing to take the hand loom in order to keep their oppressors at bay, that trade will not be cut off. It is felt there where the brown hordes stood outside the prison in which the English incarcerated the great patriot who taught his people the horrid doctrine that they had the right to weave their own clothes in their own homes as their fathers and mothers had done. It is felt in all of Europe where tyranny has relaxed its grip. And so as we look back over the years that have gone, the recent century and a little more of time, the Bourbons have toppled from their bloody throne and France has risen upon the ruins of that tyranny and erected a republic.

It is felt in Germany where the Hohenzollerns have relaxed their grip of steel so long fastened upon the throats of the people. It is felt in Russia where the iron thraldom of the Romanoffs has been broken and the royal family exterminated, a cruelty we all deplore, but nevertheless as we deplore it let us think of "bloody Sunday" when the Czar turned the machine guns upon 30,000 men, women, and children, who, headed by a priest, were presenting a petition for redress.

It is felt around the world, and all of this because America established the fact that men were capable of self-government. So if we will but proceed down the path of the centuries, holding aloft the torch of freedom, inviting other nations to profit by our example, we can bless the world; but if once we join with those in power and authority to force our way, force our policies upon any nation, then America's name will become anathema, and curses of hate will follow where blessings now are bestowed, and America will lose her proud position in the vanguard of the march of civilization.

THE PROHIBITION LAW

Mr. BRUCE. Mr. President, I am in a position to offer the Senator from Missouri [Mr. REED] a much more useful field for the promotion of the public welfare than that which he has been occupying this afternoon. I have just received a letter from a citizen of Tennessee. It is inspired by the speech that was delivered by the Senator from Tennessee [Mr. MCKELLAR] a few days ago. The writer says this:

> Folks sharing my views, along with lots of others, are so numerous that I believe, should we have the Sam Marshall ballot, we would show a majority favoring modification.
>
> Being without a voice, save giving expression through some one in authority, I take this method of giving you the benefit of my personal views. It seems that Mr. MCKELLAR has gotten out of touch with the folks back home.
>
> You may make Mr. MCKELLAR this proposition, which I in turn will execute for you, with the reservation that I shall not be persecuted other than prosecuted by his enforcement gang, viz, I will meet him in any town of 5,000 people that he may name in Tennessee, he divesting me of all things save the money to pay for it, and if I can not buy him something to drink in three hours and deliver it to him, I will make acknowledgment over my signature that he is right, knowing of no greater sacrifice I could make.

This is the particular language to which I wish to call the attention of the Senator from Missouri if he will give me his attention for a moment. The writer, after those observations on prohibition, adds this, which I feel bound duly to communicate to the Senator from Missouri:

> Should you ever be in Tennessee, I would like you to make me a visit—

And then he adds—

> and bring JIM REED with you.

Mr. NEELY. Mr. President, inasmuch as the Senator from Tennessee [Mr. MCKELLAR] is absent, I venture to express the hope that before the Senator from Maryland and the Senator from Missouri accept the invitation just read to "licker up" in Tennessee they should, as a matter of senatorial courtesy, consult Senator MCKELLAR about the proposed violation of the Constitution and the statute in his State.

INTERIOR DEPARTMENT APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6707) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1927, and for other purposes.

Mr. SMOOT. Mr. President, the pending amendment is found on page 84 of the bill. I understood that my colleague at the close of the session yesterday desired that the amendment be not acted upon but go over until to-day. As this is the only amendment pending that is to be offered by the committee, I would like to have it disposed of first.

Mr. KING. Mr. President, the Senate is now considering a bill making appropriations for the Department of the Interior for the next fiscal year. When the bill was laid aside yesterday, the amendment found on pages 84 and 85 had not been disposed of. This amendment is of considerable importance, not only intrinsically but because of the precedent which it establishes. It carries an appropriation of $500,000 for the fiscal years 1927, 1928, and 1929, to be expended by the Secretary of the Interior in connection with the settlement and development of existing Federal reclamation projects or units thereof, to be selected and designated by the Secretary of the Interior.

The Secretary is to withdraw from entry such area as he shall designate as a settlement unit, or a project of sufficient size to create therefrom not less than 100 farms, and not less than 10 fractional farm allotments on each of such projects or units, and to "aid and direct settlement" of such lands, including their disposition.

As stated, the measure before us is an appropriation bill, and under the rules of the Senate it can not contain provisions changing existing law or enacting what is called general legislation. Appropriation bills are to supply, for the following fiscal year, such funds as Congress regards as necessary to meet the requirements of existing departments, agencies, and governmental institutions.

General legislation does not originate with appropriation committees. There are appropriate committees charged with the duty of framing general legislation. The reclamation act, sometimes called the Newlands Act, was general legislation. The amendment which we are now considering radically modifies and changes the reclamation act and is, in a parliamentary as well as in a legal sense, general legislation.

Feverish anxiety to secure legislation has, upon various occasions, driven Congress from safe paths, and the result has been that upon appropriation bills there have been engrafted injudicious, unwise, and sometimes dangerous provisions. Theoretically, at least, substantive law and measures dealing with general public matters, cognizable by the legislative branch of the Government, are dealt with in committees which are supposed to carefully consider all matters and questions involved, and to report to the House and Senate, respectively, such bills within the jurisdiction of the Federal Government as they regard as necessary for the public welfare.

The Appropriation Committees of the House and Senate neither jointly nor separately considered the so-called Newlands Act. It originated in the House and was considered and reported upon by a committee empowered to deal with public lands and particularly with the questions of reclaiming public lands of the United States.

Under the rules of the House and the Senate the following committees are provided for each branch of Congress: Irrigation and Reclamation, Public Lands and Surveys, and Agriculture and Forestry. Unquestionably the amendment which is now before us should have been considered by the Committees on Irrigation and Reclamation of the House and the Senate. It deals with a subject embraced within the term "general legislation," and should have had the careful scrutiny of these committees.

If the proposed legislation embodied in the amendment under consideration is wise, it should have been offered as a separate bill, either in the House or the Senate, and referred to the Committee on Irrigation and Reclamation. That committee should have considered the question involved in the most careful manner. Hearings should have been had and full opportunity given to the proponents and opponents of this new policy to present their views to the committee and through the committee to Congress. Unquestionably the amendment which I am now discussing is an innovation upon existing law and a radical departure from the policy which has been adopted by the Government in dealing with reclamation projects.

The Appropriation Committees, under the rules of the Senate and the House and under the theory of parliamentary procedure, are limited in their activities to an ascertainment of what appropriations are called for by existing law and to report bills carrying sufficient amounts to meet the exactions of the law and the needs of the Government departments, as those needs are determined and defined in existing statutes.

The Appropriation Committees may not enter into new fields of legislation and new policies for the Government or its agencies to follow. Vigorous protests have been made in both the House and the Senate when appropriation bills have gone beyond their authority and sought to incorporate within bills reported by them general legislation. Unfortunately, Congress has sometimes ratified their improper acts and approved of riders which have been attached to appropriation bills and which dealt with new subjects or provided new or general legislation.

Senators have had no opportunity to consider this important measure, which makes such a radical change in the Newlands reclamation law. As a rule, the attendance in the Senate when appropriation bills are under consideration is not large, unless some important and controversial item is being considered. Many Senators are occupied in their various committee activities or in other important public duties.

They assume that the appropriation committees have performed their duty and have not constituted themselves committees to prepare new legislation or legislation changing existing law. It is obvious that it is an unwise and indeed dangerous policy for appropriation committees to assume to deal in appropriation bills with matters of the character of these now under consideration.

Mr. President, I had the honor of serving in the House of Representatives when Senator Newlands first offered the bill which bears his name. I was a member of the committee to which it was referred, and the committee reported it back to the House with a favorable recommendation. It did not pass at that session of Congress, but at a later Congress when I was not a Member of the House, Senator Newlands had the gratification of seeing his measure enacted into

law. Some persons opposed the measure because they doubted its constitutionality. Others opposed it because of it paternalistic features. Its proponents defended it upon the ground that the Federal Government owned large areas of arid lands which, without irrigation, would never be occupied or disposed of. In order that the Government might find purchasers for portions of its domain, and in so doing, furnish homes for thousands of American citizens who desired to engage in agricultural pursuits, it was insisted that the Newlands Act was not obnoxious to the Federal Constitution.

In the discussions preceding and attending the passage of the act attention was challenged to the large areas of public domain which could not be reclaimed and made habitable and productive, except through irrigation, and that in order to supply the necessary water for irrigation, dams and reservoirs and canals must be constructed at a cost which could not be met by those who were seeking homes and who would be glad to pay a reasonable amount for the land to be reclaimed and the water for its irrigation. It was believed that the Government should go no further and that there was no constitutional warrant for it to exceed the limits prescribed in the reclamation act. It was conceded that the bill was paternalistic, and unless wisely and properly administered, and with due regard to the limitations upon the Federal Government, the latter would become an oppressive landlord or would develop a bureaucratic system which would administer the law, and under oppressive rules and regulations would subject the settlers upon the various projects to irritating and tyrannous control for an indefinite period of time.

The drafters and supporters of the bill were sincere in their desire to reclaim the arid wastes of the West, and to provide lands which could be made productive and fruitful for courageous men and women who were willing to undergo the hardships and privations incident to pioneer life, and to give their efforts to the conversion of raw lands into fertile fields. Moreover, as I have indicated, they believed that the Government under the provisions of the bill would be able to dispose of thousands of acres of land which without irrigation were of but little, if any, value, and that by so doing it would be repaid for all moneys expended, and would also provide opportunities for settlers to secure homes and create wealth for their own and the Nation's benefit.

There was no thought during the discussions that the Federal Government, after building reservoirs and constructing canals and conveying water to the lands to be irrigated, should continue indefinitely in control of the lands reclaimed, or that it should act the part of a guardian to those who entered into contracts for the purchase of land and water. Nor was it even suggested that the Government should control the actions of the settlers, determine their conduct, prescribe their movements, and become a sharp-eyed policeman to enforce its will and direct the conduct of those to whom it was selling land and water.

But the measure before us expands the Newlands Act and introduces features never contemplated by the framer of the bill and those who actively aided in its enactment. Before analyzing the provisions referred to let me briefly refer to what has been accomplished under the Newlands Act. There have been many criticisms of the Reclamation Service, and charges have been made from time to time that those intrusted with the administration of the law were incompetent and inefficient. It has also been charged that there has been waste and extravagance upon the part of the officials of the bureau, and that projects have been entered upon, constructed, or in process of construction which never will be successful.

Mr. President, in my opinion the Reclamation Service is not free from fault and has made mistakes. The unsatisfactory condition of the Reclamation Service resulted in a demand for an investigation of its activities and its accomplishments. Accordingly the Secretary of the Interior appointed a special advisory committee of six members to study reclamation and make a report to him. This committee made a searching investigation and submitted to the Secretary a report, in which they stated:

> The situation that has developed on the Federal reclamation projects is serious. Three projects have been abandoned, and unless remedial measures of a permanent character are applied, several more of the projects will fail, and the Federal reclamation experiment conceived in a spirit of wise and lofty statesmanship will become discredited.

In their report they further state that—

> The net construction cost of the projects, subject to repayment as of June 30, 1923, is, in round numbers, $143,000,000. Of this amount about $101,000,000 are covered by active water-right contracts; $30,000,000 are unsecured by water contracts. The water users, holding water-right contracts, have repaid, during the existence of the Reclamation Service, 10.9 per cent of the total construction cost subject to repayment. On June 30, 1923, of the construction charges then due, 14.2 per cent, or $2,537,222.46, remained unpaid, and of the operation and maintenance charges then due, 17.6 per cent, or $2,423,649.06, remained unpaid.
>
> We believe it possible, without departing from the intent of the reclamation act, and by using the results of the experience of the last 21 years, to correct conditions on the projects so that impending disaster may be replaced by lasting success.

The report further states that the law required expenditures to be made in the 16 States mentioned, in proportion to the sales of public land therein. However, projects were considered without—

> sufficient accurate information regarding agricultural and economic feasibility—

With the result that—

> Some projects were authorized which should not have been undertaken. The simultaneous construction of more than 20 projects, involving the expenditure of nearly $150,000,000, provided no background of experience for the construction of the projects, such as would have been acquired by a more gradual and orderly program of development. This huge construction program soon exhausted the reclamation fund and made necessary a loan of $20,000,000 from Congress to keep the work moving.

The report further states that—

> The delayed construction and the irremediable errors in the original locations increased the project costs and the burden of the water users, who were to repay construction costs from crop incomes.

The costs in nearly every instance were larger than stated, and in some cases several times more than the original estimates. The report also states that the Reclamation Service has retained the full management of all of the projects but two, and that this course has not been satisfactory, as a result of which the management of the projects, as well as the Washington office, have become targets for criticism.

This significant statement of the commission should be emphasized in connection with the measure now before us:

> A dependence on Federal paternalism has settled down upon nearly all the projects, and a corresponding bureaucratic tendency has grown up within the Reclamation Service. The water users have come to look upon themselves as wards of the Government, a specially favored class with special claims upon governmental bounty; and the Reclamation Service has been tempted to accept this definition of the water users. Nothing could be more detrimental to the progress of a venture which demands, first of all, individual courage and independence of the people concerned. The extension act provides that the operation and maintenance of the project may be turned over to the water users. This should be done at the earliest possible date. Whether the water users organize as an irrigation district or as an incorporated water-users' association is of little consequence. Any benefits that may be devised for the aid of the water users should be contingent upon their willingness to take over the responsibility of operating and managing all but a few of the less-settled projects. When this is done, a large proportion of Federal reclamation difficulties will disappear.

I shall not take the time of the Senate to discuss this important report which was submitted by the committee of special advisers on reclamation. I might add in passing that the report covers in a comprehensive way each of the projects undertaken by the Reclamation Service. The members of the subcommittee are former Gov. Thomas E. Campbell, of Arizona; James R. Garfield; Oscar E. Bradfute; Clyde C. Dawson; Elwood Mead, of California; and Dr. John A. Widtsoe, of Salt Lake City, Utah.

From the report it is apparent that radical changes were necessary in the administration of the Reclamation Service to prevent past mistakes. It is impossible at present to determine what losses will be sustained by the Government and the reclamation fund. That it will be many millions of dollars there can be no doubt. Nor can it be determined what additional hardships and losses have been sustained by the settlers upon the various reclamation projects by reason of the maladministration of the service and the faulty, inaccurate estimates of the cost of construction prepared and furnished to settlers by the engineers and officials of the Reclamation Service.

I hope there will be reforms wrought. They are greatly needed in this important direction. Mr. President, notwithstanding that the report condemns the paternalistic policy which has been followed and which it declares—

> has settled down upon nearly all of the projects.

and that a corresponding bureaucratic tendency has grown up, the Reclamation Service and the water users have come to look upon themselves as the wards of the Government, who are to be regarded as a "specially favored class and with special claims upon governmental bounty," the measure before us seeks to perpetuate a paternalism which the report condemns, and to intensify and strengthen its grip. One would suppose that with this report before the Reclamation Service and the Secretary of the Interior they would recommend policies which would free the service from the charge of paternalism and permit greater independence and individualism upon the part of the settlers and water users.

I regret to say that the Interior Department has from time to time sought to extend its authority far beyond the provisions of the Newlands Act. Officials of the Reclamation Service a few years ago urged the passage of a bill prepared by them, which made the Reclamation Service a national land reclaiming and land selling agency.

Its services were to be at the disposal of any person or corporation having land to be reclaimed, whether swamp or cut-over or arid land or other kinds. When this was done, projects were to be executed and the sale of the land, under such restrictions as the Reclamation Service might prescribe, were to be exclusively under its control. As a governmental agency it would have morally bound the Government to guarantee its contracts and support its activities. It would have added many thousands of employees to the personnel of the service and would have placed the United States in the position of a powerful real estate operator, if not a perpetual landlord.

The spirit which prompted this fantastic scheme has not been entirely exorcised from the Department of the Interior. It manifests itself in a demand by officials of that department for the Federal Government to expend from $100,000,000 to $150,000,000 to construct dams in the Colorado River and to erect power plants and supply water for municipal purposes and build canals for the irrigation of private lands; and it reappears in a diluted form in the measure which we are now considering, which, as I am informed, was prepared by the head of the Reclamation Service, with the approval of the Secretary of the Interior.

Apparently the Interior Department has determined to project the Federal Government into activities which belong to private endeavor and to extend paternalistic policies and strengthen the power of Federal bureaus.

If one reads the newspapers and the magazines published in the United States, he can not fail to be impressed with the persistent, unflagging, adroit, and subtle propaganda carried on by executive agencies and officials in executive departments to influence legislation and to so heat the atmosphere in which the public dwell that winds of public opinion will be produced to force the adoption of measures which will increase the power of the Federal Government and enlarge the jurisdiction of executive departments and agencies and multiply the number of Federal officials who will find lifetime jobs therein.

Mr. President, the provision under consideration confirms the statement so often heard that many Government officials are attempting to increase the power of the Federal Government at the expense of the rights of the States and the freedom and independence of the people.

There are many pink socialists and various other forms of socialists and paternalists in the Government service, and they doubt the capacity of the people to govern themselves, or the ability and competency of the States to discharge the responsibilities resting upon them. They devise and earnestly labor to promote schemes to increase the authority of the Federal Government and, of course, to magnify and make more important the departments, bureaus, and agencies with which they are identified, and thus increase their own jurisdiction and power. There are many fantastic, ill-advised, and socialistic principles and policies originated by Federal officials, and some of them spend much of their time lobbying to secure their adoption or in writing articles and carrying on propaganda to develop a public sentiment in their behalf.

It is not difficult to convince some people that aid from the Federal Treasury and supervision by Federal agencies will prove helpful. Robust individualism and undaunted courage to face local and difficult problems, social, economic, and political, are not the attributes of all persons, and millions of American citizens take but little, if any, interest in political matters and are indifferent to the forces which direct, modify, or change conditions in the social, economic, and political fields of life.

In some States considerably less than 50 per cent of those qualified to vote either register or cast their ballots. With this lack of interest in political and governmental problems, it is not to be wondered at that active and militant minorities may introduce radical and dangerous policies and attempt to secure legislation, State and National, at variance with the spirit of democracy and the ultimate best interests of the people.

A review of the mountain of legislation enacted in States and by Congress during the past 50 years will justify the statement that the greater part of it was unwise and a very large proportion positively injurious and destructive. There is tremendous centripetal power operating in all governments, and this power becomes greater as the number of employees and bureaus and agencies and departments increase. It has been the history of governments that the officeholders in executive departments are ever alert to extend their jurisdiction. Executive departments and bureaus and agencies multiply much in the same manner as multiplication is found in the biological world. Cells divide and these divisions still further divide. A department is formed, and it organizes bureaus and agencies, and these bureaus and agencies divide and still others form, and so the work of development continues. And it is natural that these departments and bureaus and agencies which are formed and become a part of the government structure should seek to exalt their positions and the executive agencies with which they are connected. It is therefore to be expected that they will try to justify any movement which will lead to the creation of other departments and agencies.

This rivalry exists between various departments and executive instrumentalities. Each is jealous of its power and each seeks to extend its authority. But they are immortal; they do not die; they are constantly before the people, always exerting pressure and pushing forward and endeavoring to fasten themselves more securely into the very foundation of the Government.

With life positions there comes a feeling of security to employees of the Government, and too often a sense of proprietorship and ownership of the Government, and a feeling that the official class is somewhat better than the great mass of the people. The Government to them is the symbol of authority. It is an enduring and unchanging organism. It is the central orb around which the people of the States, as little satellites, revolve. It is only natural, therefore, that bureaucracy should develop and that it should become more and more oppressive as well as aggressive and arrogant. It seeks to dictate legislation, frame domestic and national policies, and superimpose its views upon the people.

Washington is becoming the headquarters for hundreds of organizations interested in defeating or in procuring legislation. Some of these organizations serve a useful purpose and their motives in maintaining representatives in Washington are entirely proper. But there are some persons in Washington representing organizations which seek legislation of a doubtful character, and indeed in many instances, the enactment of measures which are unconsitutional and unwise. Representatives of various organizations form contacts with bureaus and representatives in departments of the Government, and work through them for the purpose of promoting legislation, and securing appropriations from the Federal Treasury.

As stated, legislation is sought which infringes upon individual rights, and attacks local self-government and the rights of the States. Measures are proposed to create new Federal agencies or to extend the authority of existing Federal bureaus. It is obvious that proposed measures of the latter character meet with a cordial reception from many Federal officials, and they, too often, actively cooperate with the representatives of the organizations to which I have referred in drafting bills and in asking for their approval before committees of Congress.

Most of the legislation enacted by Congress does not originate with the people themselves—with the thinking, earnest, and faithful Americans who are discharging their duties and bearing upon their backs the burdens of the Government. Many of the bills which are enacted into law are drafted by hired lobbyists and organizations, oftentimes in cooperation with Federal executive agencies. The technique of originating and securing legislation is understood, and the manner of obtaining support for such legislation in the various States and congressional districts, where possible recalcitrant Congressmen and Senators reside, and the methods to be adopted in securing such legislation are clearly comprehended.

Oftentimes the impression is created in the Capitol corridors that the people are for certain measures, when the fact is that not one in a hundred thousand know about the measure and care less. Much of our legislation is the result of propaganda, and too often false and misleading propaganda. But, as I have stated, Federal executive departments and bureaus seldom turn a deaf ear to the importunities for new laws and the creation of new organizations when it means additional employees and the augmentation of Federal authority.

I regard this growth of paternalism and bureaucracy as one of the greatest menaces to the perpetuation of our institutions and the preservation of this Republic. But it must be conceded that oftentimes a relentless majority of the people will support measures which are unconstitutional or assaults upon local self-government and individual rights. We should never forget the words of Lincoln in his first message to Congress:

To maintain inviolate the rights of the States to order and control under the Constitution their own affairs by their own judgment exclusively is essential for the preservation of that balance of power on which our institutions rest.

Mr. President, I confess that what I am saying now is not new. It has been better said by others upon many occasions. Since I have been in the Senate I have repeatedly criticized the aggressions of the Federal Government and the tyranny of executive organizations and have lamented the growing indifference upon the part of the people to Federal usurpations and to the subsidence of that fine spirit of State pride so essential to the preservation of the States as well as the independence of the people.

Upon various occasions, when measures have been proposed which sought to project the Federal Government into spheres of activity which belong to the States and to individuals, I have protested. I have insisted that the contest now was not the preservation of the Union, but the preservation of the States. It is somewhat paradoxical that whereas most nations are decentralizing authority, and local self-government is becoming more virile and militant, centralization in the United States is moving forward with increased rapidity. Russia, Turkey, Italy, and the United States are the outstanding examples of political and governmental centripetal forces. We are weakening the States, enervating the people, and building a strong and powerful bureaucratic government. We are forgetting what Professor Thompson, of the faculty of political science, University of Wisconsin, said:

But democracy is more than a form of government. It is an ideal. The feeling among the citizens that the government is their government in which they have a vital interest is the soul of a democracy. Where the government becomes too far removed, the interest of the people in their government begins to wane because other interests nearer to them take precedence in their minds. It is difficult to see how democracy in government can remain a vital thing unless the individuality and autonomy of local governmental institutions is retained in which people can take an interest, where they can have personal contact with the leaders, and where they can see the actual results of democracy. Without this the demos becomes disinterested, and a democracy with a disinterested demos is probably less fortunate than a despotism with a benevolent despot.

Professor Thompson refers to the nonadaptability of large states to meet the requirements of the people, and refers to Great Britain's dominions, which have been given home rule and, indeed, almost complete independence. Centralization in business may prove injurious not only economically and industrially but socially and politically. The same is true of government. In some European countries "functional devolution" is being advocated; and wise statesmen, and publicists like Mr. Laski, are demanding real local autonomy as necessary in order to arouse interest in local government and to secure the highest results.

Mr. President, the States, I repeat, must be preserved, and they can not be preserved if the Federal Government continues its paternalistic policies and its interference in domestic and local affairs as it is now doing. The States must be respected and their sovereignty must not be challenged. "The General Government," as stated by Madison, "could not extend its care to all the minute objects which fall under the cognizance of the local jurisdiction." There should be a renaissance of the spirit of State's rights and of local self-government. The people should feel that the States are their States and their government. Professor Thompson refers to the fact that the Federal Government—

in attempting to handle innumerable minute things, becomes mechanical; and the more mechanical a government becomes, and the less able it is to deal directly with the people, the more danger there is of its becoming entangled in a mesh of red tape. It is not accidental that red tape is notorious in large States where central control of local interests is practiced. The governmental functions become so numerous that personal supervision is hopeless, and in their efforts to forestall corruption, administrators bring on a complicated procedure that makes prompt and direct action impossible.

The interstate-commerce clause has, in my opinion, been perverted and is being used as a weapon to batter down the citadels of personal freedom and State sovereignty. We seek socialistic countries for precedents, and obtain from Madame Kalonti, one of the Bolshevik leaders, arguments to support some Federal legislation which has been enacted. Federal officials are absorbed in local and domestic matters which belong purely to the States, and fail to deal with national and international affairs with that wisdom and vision necessary in this important period of our Nation's history.

Mr. President, I have felt constrained to make these remarks because of the character of legislation almost daily presented to Congress by departments and bureaus and lobbyists who have the support of bureaucratic organizations of the Government.

Returning to the measure before us, I repeat that the Newlands Act is to be materially modified by an amendment to an appropriation bill—an amendment which represents a bureaucratic scheme and a paternalistic policy. In my opinion there are no valid reasons for it, and it will be provocative of difficulties and troubles in the future. Notwithstanding the criticisms contained in the report of the committee, from which I have quoted, the Newlands Act has accomplished a vast amount of good and has entirely justified its enactment. The report shows that in 1922, 1,202,130 acres had actually been irrigated under the projects constructed by the Reclamation Service, and that the projects were prepared to supply water for 1,692,700 acres additional.

It is true the net construction cost is considerably in excess of the original estimated cost; but many conditions not anticipated account in part for the increase in the net cost of water to the settlers. The report further shows that in 1922 there were 34,000 irrigated farms under the various projects and that the value of the agricultural crops raised thereon totaled hundreds of millions of dollars. Notwithstanding the difficulties encountered and the mistakes made by the Reclamation Service, President Coolidge in his message to Congress dated April 21, 1924, states that—

The sum total of beneficial results has been large in the building up of towns and agricultural communities and in adding tremendously to the agricultural production and wealth of the country.

Under the Newlands bill the Government constructed dams and impounded waters for the irrigation of its arid lands. It also constructed canals to the lands to be irrigated and then made contracts with proposed settlers under the terms of which they were to receive title upon payment of the amount agreed upon. These payments were to be made annually over a series of years. In the meantime the settlers were to go upon the land and irrigate and reclaim the same.

Undoubtedly, many of the settlers encountered hardships and vicissitudes. That has always been true of the pioneer and it was true of the settlers of the public-land States. The pioneers who settled Utah were the first Americans to develop a sound and scientific system of irrigation. They constructed dams and diverted the water from the natural channels, reclaimed extensive areas of arid lands, and founded towns and cities and a great and prosperous Commonwealth. They encountered many hardships, the Indian tribes harassed them, and starvation often beset them; but notwithstanding their privations, they achieved success and merit the gratitude not only of their descendants, but of all who love this Republic and appreciate fidelity and courage and devotion to duty.

The pioneers of the West had no paternal government to build their dams or canals or to finance them. They were remote from railroads and were a thousand miles from settlements. But the Interior Department, now impregnated with paternalistic views, conceives it necessary to change the reclamation act and to have the Government become the guardian of the settlers upon reclamation projects. This morning I read an article written by Doctor Mead, the head of the reclamation service, and published in one of the magazines of the country, in which he advocated this new-fangled idea (new to independent and robust Americans) which finds expression in the measure before us. His plan, as I understand, is something after the socialistic plan of New Zealand, and provides for the Federal Government to finance persons who settle upon reclamation projects.

Of course, the measure before us, which was prepared by the Reclamation Service and by the Secretary of the Interior, is not as broad and comprehensive as is desired by the proponents of this new policy. Doubtless they believe that the plan, as desired, would frighten Congress, and therefore the dose which is to be administered finally is to be taken now in a diluted form. But it is the way of bureaucracy. A small appropriation is asked for, as an "experiment," or for some apparently insignificant purpose, and it becomes the lever which is later used to move mountains. A few hundred thousand dollars are sought for some apparently altruistic or proper purpose, but it becomes the precedent for large appropriations and the crea-

tion of an executive agency, and finally the foundation of a permanent Federal bureau costing perhaps millions of dollars annually.

An examination of many of the paternalistic activities of the Government reveals that they were mere experiments in the beginning, the camel's nose which was thrust into the tent, and now the camel occupies the tent. I repeat, this amendment is thoroughly paternalistic and offensively bureaucratic.

The committee to which I have referred criticized the Reclamation Service for its indisposition to turn over to the settlers, to manage and control, the projects with which they are severally identified. The plan seems to be to have the Government hold them indefinitely; and this amendment seems to strengthen the grip of the Reclamation Service, and to give it greater paternalistic authority. The appropriation asked for in the pending amendment is not for an experiment alone. It is the beginning of a policy which will make bureaucracy more triumphant.

My colleague, Mr. SMOOT, in the discussion yesterday, inferentially, if not directly, indicated that it is best to try it out as an experiment; but if I correctly interpreted his attitude, it was that the experiment would soon bring condemnation to this new policy and lead to its complete abandonment. My colleague remarks, sotto voce, that this is the cheapest way to demonstrate the infirmity of the scheme, if not its complete fallacy.

From what I can learn of the attitude of Senators, there is no sentiment for this measure. If it is adopted it will be the result of apathy and indifference and not because of any faith in it or any conviction that it is a wise or sound policy. Indeed, I am led to believe that the amendment is supported by some as a foil to defeat the House provision, which requires the States to provide aid for those who settle upon irrigation projects. Regardless of the causes which have brought forth this scheme, it does not commend itself to my judgment, and, therefore, I can not give it my support.

An examination of the amendment shows how skillfully and adroitly it has been drawn, and it reveals the strategy of this apparently innocent advance. The Secretary is to select a number of farms upon such projects as he deems proper, and is to provide "aid" to those who enter upon such allotments and to "direct" the settlement of the same. Of course, the allotments selected will be upon the best projects and those which will be made to succeed, if success is possible; and undoubtedly the allottees will be persons of experience and who, without any aid, will achieve success. In other words, the so-called experiment will be conducted under the most favorable conditions so that the possibility of failure is reduced to a minimum.

A few years ago a plan was suggested by officials in the Post Office Department which contemplated the establishment by the department of automobile-truck routes between the farms and the cities. It was urged that if the Government would permit the department to buy trucks and transport farm products from the producers to the cities it would help agriculture and be of benefit to the public generally. The experiment was to be conducted at a few places where modern highways had been constructed and where the farms were near large cities, and the products of the farm were in great demand in the near-by markets. Manifestly, a plan to get the cream of the traffic and under the very best of conditions would result in a favorable balance sheet, at least temporarily.

The promoters of the project did not think of what the results would be if farms remote from centers of population were to be provided with automobile-truck transportation, nor did they take into account if the scheme became nation-wide the effect upon railroad transportation, upon interurban electric roads, which have been used so much to aid the farmers and to bring rural communities in touch with urban centers, nor the enormous cost to the Government in operating thousands of trucks with the necessary drivers, and employees, garages, shops, and so forth, and the enormous expense incident to conducting an enterprise so vast. But the scheme had supporters, and on its face was alluring.

But to return: After the most favorable lands have been selected for the experiment, then the Secretary is to make his selection of the persons to whom the lands shall be sold. The amendment further provides that—

> The Secretary shall require each applicant for a farm or fractional farm allotment to show that he has had actual farming experience and is possessed of capital in money or farm equipment, or both, of not less than $1,500 when a farm is entered or purchased, and $200 when an entry or purchase is made of a fractional farm allotment.

I wonder what the Secretary would do with some of the hardy pioneers who builded the West if they could be reincarnated and should seek to build homes and acquire farms upon reclamation projects, if this scheme is to constitute a part of the reclamation act? The purchaser under this plan—

> shall maintain his actual residence upon the land following the year of his entry or purchase and until he shall have made full payment of all moneys advanced to him * * * together with the then accrued and unpaid interest thereon, and shall have also paid or provided for the payment of all State, county, and local taxes and irrigation district assessments which at that time constitute liens on his improvements.

The settler is to be under the watchful eye of the Secretary of the Interior, and may, under such rules as the Secretary may prescribe, in his discretion, obtain a "leave of absence" from his land. In other words, the Government, through the Secretary of the Interior, is to be a father with a birch rod in his hand, to tell the settler where to live and when, if at all, he may get leave of absence from the farm.

But that is not all. The entryman or purchaser shall have no right to sell his land, except with the approval of the Secretary, and then only upon condition that his grantee shall assume and discharge all obligations and burdens of the grantor as to the lands. But an important provision of this new plan is that the Secretary, in his discretion, may advance for permanent improvements and for the purchase of livestock not more than $3,000 to an entryman and not exceeding $800 on account of any one fractional allotment. The advance shall not exceed 60 per cent of the value of the permanent improvements of livestock, and then only upon the purchaser having provided in cash 40 per cent additional, or shall have provided its equivalent in value and any improvements made at his sole cost.

These advances shall constitute a first lien on the improvements and on the livestock and shall be paid with interest at the rate of 4 per cent in amortized installments, as may be authorized by the Secretary.

But that is not all. The Secretary—

> shall provide such supervision as in his opinion may be necessary to insure the use of all advances for the purposes for which made.

If all reclamation projects were to be treated in the same way—that is, without any discrimination—and all settlers were to obtain the same privileges, it is manifest that an army of supervisors would be required. The improvements are to be appraised and the assets of the purchaser are to be valued. Then each settler is to be supervised and the supervisor must make reports to other officials, and they to still other officials, until, finally, the information will reach the secretary, who is to act. It means, of course, an endless amount of red tape, a labyrinthine maze of bureaucracy and an army of additional employees.

Then the entryman or purchaser must insure the property and the policies "must be made in favor of the secretary or such official as he may designate." This will require insurance agents upon the part of the Government, or at least insurance supervisors, who are to ascertain whether this provision of the contracts is carried out, and whether the insurance companies are responsible, and whether the policies are in proper form and for a proper amount, and also determine with which insurance companies the settlers shall deal.

But this does not end the supervisory authority of the Interior Department. The Secretary shall, by regulation or otherwise, require the entryman or purchaser to cultivate the land in a manner to be "approved by the Secretary."

Senators who know something of the thousands of regulations of Federal departments and bureaus will have some conception of the significance and effect of this provision. There will be employees and officials to draft regulations. Assuming them to be competent, they must visit the land and determine just how it should be farmed, what crops should be raised, how it should be cultivated, and generally what the purchaser or entryman should do. If they are incompetent, or lack knowledge concerning the land and its qualities, such regulations would be harmful if not disastrous. The Secretary shall estimate the number of additional employees and the mass of machinery which will be required to execute this provision if this plan should be applied to the various irrigation projects.

But we have not yet reached the end of the chapter. The entryman or purchaser must keep in good order or repair the buildings and fences and other permanent improvements, in conformity to regulations, and, of course, in such manner as will meet the cynical and meticulous views of agents and petty officials of the departments. Those who live in the West and have to do with the various departments and agents of the Government, in connection with public lands, will have some idea of just what these provisions mean. In my opinion they are tyrannous and autocratic, and will prove burdensome and

offensive. They will be a constant irritant, resulting in resentment which will retard the reclamation of the land, if it does not lead to its abandonment by the settlers.

But the measure before us provides that if the entryman or purchaser is guilty of any default or fails to comply with any of the terms of the contract, or any rules or regulations promulgated by the Secretary, the latter shall have the right after a year's notice to cancel the contract, the original entryman or purchaser forfeiting all rights thereto and all payments made.

I need not say that these provisions are harsh and place tremendous power in the Secretary of the Interior. Of course, he can not exercise personal supervision and must rely upon the army of employees and agents of the Reclamation Service. The report of some minor employee that a regulation has been violated, may work a forfeiture of the rights of the settler and result in his expulsion from the land which he has undergone hardships to reclaim.

Mr. President, this whole scheme is unwise. It assumes the incapacity of the people to manage their own affairs and the superiority of Federal officials, big and little, to determine the lives and conduct of individuals. It subjects persons dealing with the Government to surveillance and control, that self-respecting persons will resent. It puts an unlimited number of Federal agents and petty officials into the home and upon the land of every settler, and compels him to submit to such control and directions and orders as may be given, under penalty of forfeiting his contract, and losing all that he has put into the enterprise, including, perhaps, years of arduous toil.

It may not be argued in support of this scheme that it calls for only $400,000 and is to be applied for the time being to a limited number of selected allotments. This plan is like many others that are entered upon by the Federal Government at the instigation of Federal bureaus and Federal officials, or active propagandists who are seeking to have the Government usurp the functions of the State or intrude into the field of endeavor belonging exclusively to individuals. The propaganda in favor of this measure is directed toward a radical change in the Newlands Reclamation Act, and the application of its provisions to all reclamation projects and those who become settlers thereon. If the scheme is feasible or meritorious, then it must be applied to all reclamation projects; it would manifestly be unjust and improper to discriminate and to apply it to one project only or to a limited number. If applied to all reclamation projects, then enormous drafts will be made upon the reclamation fund, and indeed upon the Public Treasury. If $3,000 may be obtained by every settler upon projects, it is obvious that the reclamation fund will soon be exhausted and no further reclamation projects can be undertaken, at least for many years.

Can there be any doubt as to what the result will be if this plan is adopted? As soon as the Secretary of the Interior selects a few farms which are to come within the provisions of this amendment, and makes advances to the settlers upon such farms, demands will come from all other projects that $3,000 be loaned to each settler thereon; and it will not be a satisfactory reply to those making demands if it shall be said that their situation and conditions are to be distinguished from the situation and conditions of those to whom the advances are made. If the Secretary attempts to show that those to whom the loans are made are better farmers or have more capital or that their lands are more favorably situated or are nearer to markets, or that soil conditions are superior, his answers will be that those very conditions compel the granting of larger loans to settlers less favorably situated. Any discrimination will prove repugnant and hateful to all settlers on irrigation projects.

If loans are made to one settler, they must be made to all, otherwise there will be controversy and confusion and resentment. Pressure will be brought if loans are extended to a few settlers to compel advancements to be made to others. And if one section is favored, Congress will be appealed to; investigations will be demanded; additional legislation will be asked for, and the whole Reclamation Service will be the subject of controversy which may endanger its existence. And if advancements are made and success does not attend the debtors, further loans will be requested, and if those who are in default are sufficiently numerous, organized efforts will be made to obtain additional advancements.

Mr. President, I have not overstated the consequences and the evil effects of this proposed legislation. Indeed, I have not presented many objections which could be urged and other consequences which inevitably must follow this unwise and injudicious plan. Senators from the West should remember that there are sections of the United States other than the public-land States that are concerned in legislation relating to reclamation projects. If further appropriations are sought, opposition may be developed in quarters heretofore negative but not sympathetic. If the reclamation fund is exhausted, it may be impossible to secure further appropriations. It would seem the part of wisdom for those who reside in public-land States not to reduce this fund to the vanishing point or pursue any course that will prevent the construction of other reclamation projects.

In my opinion the wise course to pursue is to adhere to the Newlands Act to carry out the suggestions, in the main, found in the report of the fact-finding commission and to replenish the reclamation fund as rapidly as that can be done without any injustice or oppression to the settlers upon the various reclamation projects. Each of the existing projects should be examined carefully, with a view to making such adjustments between the settlers and the Government as would be just. The settlers should be fully advised as to what their obligations are, and the Government should know just what it may expect from the settlers by way of payment under the contracts entered into between them and the Reclamation Service. In other words, there should be a settlement and a liquidation. The losses sustained by the reclamation fund should be ascertained and charged off; and after an adjustment and balancing of all accounts, there should be greater efficiency and competency and economy in the administration of the Reclamation Service.

In my opinion there has been too much rhapsodical and flambuoyant talk by reclamation officials; too much boasting of its accomplishments and achievements. There have been too many advertising artists who have not accurately stated the facts in regard to the work of the Reclamation Service and who have too often misled the public and brought sorrow and financial ruin to many persons who settled upon the lands to be reclaimed.

The Reclamation Service needs competent engineers, efficient administrators, and men of executive ability; and above all, officials who possess a large fund of common sense and a knowledge of the problems involved in converting the raw lands of the West into producing farms.

In my opinion, there have been too many impractical and visionary schemes suggested by persons in the Interior Department, as well as individuals not in the public service. There have been too many fanciful and fantastic pictures drawn as to the ease with which public lands could be brought under cultivation and become the homes of thousands of ex-service men as well as others who desired to engage in agricultural pursuits. I repeat that many have been mislead by the untruthful, fictitious, and fanciful statements put out, and pictures drawn in regard to the reclamation of public lands. To develop the various reclamation projects requires men and women of courage and ability and patience, but the rewards which follow will bring full compensation.

There is no reason why any reclamation project should be a failure. If the Government does its duty, if competent persons are selected to carry out this important governmental work, if proper economy is practiced; in other words, if the right men are selected to administer the law as the law now exists, all reclamation projects will be completed and others will be undertaken and successfully completed. Not only the public-lands States but the entire country will be benefited by these expenditures and by the large areas of lands which will be brought under cultivation and which will give homes to tens of thousands of people and add annually millions of dollars to our national wealth.

The agriculturists have for a number of years met with many reverses. Their foreign markets have been restricted and the prices which they have received for their products have not compensated them for their labor. Many farms have been abandoned in various parts of the United States, and the heavy hand of debt and disaster has been laid upon thousands of American agriculturists. It is not to be wondered at that farmers upon reclamation projects have suffered, and in some instances have been unable to meet the conditions of their contracts with the Government.

Even in agricultural States like Iowa farms have been abandoned and thousands of rural inhabitants have taken up their residence in the cities. In traveling through the State of New York some time ago I observed hundreds of abandoned farms. Dwelling houses were falling down and valuable improvements were in ruin. But this situation it is to be hoped will not long continue. With the increase in population there will be greater demands for the products of farm and field.

Mr. President, the West has undeveloped resources—its mineral wealth has scarcely been touched—and its millions of acres of land, if reclaimed, will produce abundant crops and furnish homes for tens of thousands of people. If the Government will abolish many of the rules and regulations which departments

and bureaus promulgate, and if the States are not continuously assailed by Federal officials and harassing and annoying measures which impede development and interfere with the legitimate activities of the people, the growth of the West and the uninterrupted happiness and prosperity of its people will be assured.

Mr. President, the defeat of this amendment will, in my opinion, be of advantage to the people of the West. It will not only not impair but it will strengthen the present reclamation act. It will bring assurance to some Senators and Congressmen who are apprehensive of the purpose and ultimate effect of this policy that there is no desire to make further demands upon the Treasury of the United States or to project the Federal Government into experiments which some regard as either socialistic or paternalistic.

I believe the path of safety to be followed by those who desire to preserve the Newlands law and to get the full benefits which it will bring to the West is to defend it and protect it and, particularly at this time, to not seek fundamental changes in its provisions.

The PRESIDING OFFICER (Mr. MCNARY in the chair). The question is upon agreeing to the amendment of the committee on page 84, beginning on line 20.

The amendment was agreed to.

Mr. BRATTON. Mr. President, on yesterday during my absence from the city the Senate passed upon two committee amendments in which I am interested. They appear at page 94 of the bill, on lines 7 and 8, and relate to the appropriation made for topographical surveys. I ask unanimous consent that the votes by which those amendments were agreed to be reconsidered at this time.

Mr. SMOOT. Mr. President, I am sure that after an explanation I shall make to the Senator from New Mexico he will not deem it necessary to have a reconsideration of the votes. The facts in the matter are as follows:

The Department of the Interior appropriation bill passed the House carrying a provision—

> For topographic surveys, * * * including lands in national forests, $525,000, of which amount not to exceed $300,000 may be expended for personal services in the District of Columbia.

Congressman MADDEN, chairman of the Committee on Appropriations of the House, agreed with Doctor TEMPLE, the Congressman who has this particular appropriation so near at heart, that in order to carry the work on it would be necessary to make an appropriation in the first deficiency appropriation bill. They came to the Senate and stated that if we would allow the first deficiency bill to carry the amounts by which these two items have been reduced, then, when this bill came to the Senate, we could deduct those amounts from those printed in the bill as it passed the House. That we have done. We only carried out the agreement made with the chairman of the Committee on Appropriations of the House and Doctor TEMPLE, who has the topographic surveys in charge in the House. I will say to the Senator that every dollar has been given for the surveys that was estimated for.

I have received at least 50 or 60 letters on this very subject matter, and I wrote to each of my correspondents calling attention to the facts as I have stated them. Each of my correspondents took the position that we had decreased the appropriation from the amount that was estimated for. That seems to be true, if we take the figures given in this bill, but the writers of the letters did not know of the amount that was carried in the deficiency appropriation bill. It was put into that bill because of the fact that it was desired that the appropriation be immediately available. I assure the Senator that every dollar has been given for the topographical surveys that was estimated for.

Mr. BRATTON. I understand that to be the fact; but by the act approved February 27, 1925, known as the Temple Act, which provided for the completion of this survey covering a period of 20 years' time, an appropriation of $950,000 was expressly authorized. May I inquire of the Senator from Utah if any appropriation has been heretofore made carrying that law into effect?

Mr. SMOOT. The law provided an authorization of that amount; but I say again that the author of that law, known as the Temple law, agreed to have this plan carried out and said it would be perfectly satisfactory to him.

Mr. BRATTON. A few days ago I attempted to and did oppose, as best I could, a provision appearing in the urgent deficiency appropriation bill relating to the reimbursable feature of two certain acts concerning two bridges. It was urged then that the committee was compelled to make the appropriation in that sum and in that fashion, because it was carrying out the provisions of an existing law passed at the last session of Congress. Here we have an act which expressly authorizes the appropriation of $950,000 to continue these surveys, and I should like to inquire why an act of that sort carries compelling force in one instance and not in the other.

Mr. SMOOT. I can not say as to the bridges, because I have not looked that up.

Mr. BRATTON. As I recall, the Senator from Utah urged upon the floor during that discussion——

Mr. SMOOT. I heard the discussion.

Mr. BRATTON. And the Senator, as I recall, took part and said that the item must go in the bill, because it was yielding to existing law. If this provision was yielding to existing law, why does it not yield in amount the same as it does in purpose?

Mr. SMOOT. An authorization is not the same as an appropriation. In other words, the Congress may in its wisdom make an appropriation of the amount authorized in one, two, or three years, or however they may wish to make the appropriation, up to the amount of the authorization. I have here the statement before the committee of Dr. George Otis Smith, whose department has charge of this survey work, and I read from his statement as follows:

> Senator SMOOT. What else have you, Doctor?
>
> Doctor SMITH. On page 86, under the topographic appropriation, as I understand, the arrangement has been that you will include the $73,300 which was to be immediately available in the deficiency act.
>
> Senator SMOOT. That was understood and agreed to by Congressman TEMPLE and Congressman CRAMTON with myself—that that $73,300 was taken care of in the first deficiency bill.
>
> Doctor SMITH. You mean the omission of those words at the conclusion of that paragraph?
>
> Senator SMOOT. That is what I say. It is understood that it goes out, and the appropriation is to be increased by that amount. What we have to do, Doctor, is to take the $73,300 off of the $525,000——
>
> Doctor SMITH. Making it $451,700.
>
> Senator SMOOT. And then reduce the $300,000 here. It is understood, of course, that we are going to follow out that agreement that we made, and we will make that change unless there is something else you want to call attention to. The changes will be made according to the agreement.
>
> Doctor SMITH. I will give the clerk the amount that that $300,000 should be reduced. Of course, it should not be reduced the full $73,300.
>
> Senator SMOOT. It ought to be the percentages between the $500,000 and the $300,000.
>
> Doctor SMITH. I have that figure worked out.
>
> Senator SMOOT. Have you got it here?
>
> Doctor SMITH. Yes.
>
> Senator SMOOT. You had better let us know now, because I am going to change this.
>
> Senator PHIPPS. That does not include very much under the provisions of the Temple Act, does it, Mr. Chairman? I know that the States are expecting much larger appropriations than that by reason of the passage of the Temple Act.
>
> Senator SMOOT. They have the $73,300 already, and that is available only for cooperation with States or municipalities. I think this is quite satisfactory to all concerned.
>
> Senator PHIPPS. I had some correspondence which I omitted to bring over here with me.
>
> Senator SMOOT. No doubt I received the same.
>
> Senator PHIPPS. Probably you received the same thing. I will look mine up.
>
> Senator SMOOT. But those letters were all written before the agreement was made between Congressman CRAMTON, Congressman TEMPLE, and myself.
>
> Doctor SMITH. The limitation, instead of being $300,000, should be $267,000. That was as calculated.

There never was an agreement I ever knew of that was carried out more literally than the one to which I have referred was carried out by the Members of the House and the Senate.

Mr. BRATTON. It resolves itself into Congress doing simply what one of the bureaus says should be done. It is substituting the judgment of a bureau for that of Congress. At the time Congress passed this act it must have contemplated that $950,000 was needed as an emergency fund to start this work, and I know of nothing which has intervened since then to change that situation. Congress spoke upon the subject in that way.

I may say that the people in my State think that the appropriation is wholly inadequate. I have a letter from the department of geology of the State University of New Mexico inclosing editorials from a number of papers criticizing this legislation as bearing injuriously upon the Western States, where the completion of this survey is needed. About one-third of the area of New Mexico, or a little more than that, is

Government land, and a great number of the maps are inaccurate and incomplete and need completing. The amendment I have in mind simply goes to the question of amount. I ask unanimous consent to have inserted in the RECORD the letter from Doctor Ellis, of the State University of New Mexico, with the attached editorials which he has transmitted.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The letter and the editorials are as follows:

THE STATE UNIVERSITY OF NEW MEXICO,
DEPARTMENT OF GEOLOGY,
*Albuquerque, February 9, 1926.*

Hon. A. A. JONES,
*United States Senate, Washington, D. C.*

MY DEAR SENATOR JONES: You see that I am again calling your attention to the condition of the Temple bill. I am inclosing photographs of several editorial comments on the action of the Director of the Budget in recommending a serious reduction in the appropriation for the work of the United States Geological Survey. It is the opinion of many State geologists and others who realize the importance of the topographic work that the whole amount of the $950,000 can be economically and effectively used by the topographic branch of the United States Geological Survey.

Much of New Mexico, about one-third of the area of the State, has already been mapped. A great number of the present topographic maps are inaccurate, not on a scale sufficiently large to be of much use; and those areas should be remapped. In addition to this it is needless for me to reiterate the many advantages that would follow a complete mapping of the State.

With regards,

Very truly yours, ROBERT W. ELLIS.

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[From the Mining and Metallurgy, January, 1926]

As anticipated, the Budget Bureau at Washington has not allowed the Director of the Geological Survey even to present to Congress for consideration an estimate for the making of topographic maps prepared in accordance with the Temple bill passed by Congress last session. There are other unexplainable matters connected with the Budget, but the data so far available to the public successfully conceals the detailed facts. Ask your Congressman. Meanwhile we wonder if the Army officer who directs the Budget has read anything of the English history relating to the effort of the executive to control the purse as against Parliament.

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[From the National Petroleum News, January 6, 1926]

THE MONEY SHOULD BE SPENT

The Budget system of the Federal Government has commanded general approval since it was inaugurated, but there are times when there is a too rigid paring of expenditures. Such an instance is now at hand in the attitude of the Director of the Budget on the appropriation for the completion of the topographical survey of the United States.

Topographic maps are widely used in the oil industry whenever they are available. A good start has been made by the United States Geological Survey, but it is at best a start. Limited by funds in the past the survey has been unable to do more than map the areas of greatest economic importance. The oil industry is constantly pushing into the other areas and finding, when it gets there, that no Government maps are available.

The Temple bill (H. R. 4522) was an act to provide for the completion of the topographical survey of the United States in 20 years. It provided for a cooperative agreement between the Federal and State Governments and authorized an appropriation of $950,000 for the coming fiscal year. The Director of the Budget has ignored the provisions of this bill and has asked, on this score, for $477,000—about half what was considered necessary, and the original sum was arrived at after most careful consideration had been given to the project in hand.

The Director of the Budget is clearly overstepping his authority and is acting as a supreme court in nullifying an act of Congress. Besides, knowing the value of this topographical survey, we have no hesitancy in saying that he is wrong on his conception of what this bill means. Men of the oil industry should call to the attention of their Congressmen the necessity of seeing that the provisions of the Temple bill are carried out.—L. E. S.

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[From the Engineering and Mining Journal-Press, January 2, 1926]

TOPOGRAPHIC SURVEY OF THE UNITED STATES

The topographic maps of the United States which are being made by the United States Geological Survey are universally recognized and praised as the best and most useful type of maps possible. They are adapted to the use of all engineers, and are by them used as a basis for all engineering plans in the first stage, whether the engineer be of the mining or civil type, or has to do with irrigation or power plans. But they are used and appreciated by other people as well; indeed, they constitute one output of Government engineering which is highly popular. The only criticism which is voiced is that the list of maps is not complete. In a given section the maps of certain rectangular areas are available; but near-by and not less important areas are missing. The reason is, of course, that such a colossal undertaking as a large-scale topographic map of the United States takes time and money. The project, begun many years ago, has been persistently carried on; the primary triangulation and control are by the United States Coast and Geodetic Survey; the detailed mapping is by the Geological Survey.

Feeling that the industry of the country demanded the systematic carrying out of this project, a bill was introduced and passed to this end by the Sixty-eighth Congress, by a record vote. This act—the Temple bill (H. R. 4522)—authorized a regular appropriation for this purpose, which funding would in 20 years accomplish the completion of the map. The yearly amount provided for—beginning July 1, 1926—was $950,000, of which $750,000 was for the Geological Survey part of the work and $200,000 for that part of the job which belongs to the Coast and Geodetic Survey.

One of the consequences of the President's most laudable campaign of economy, as carried out by the energetic Director of the Budget, has been a move to nullify this bill; for the Budget Director has ignored its provisions, and has in his Budget asked for $477,000 for the coming fiscal year, instead of $950,000, as provided. Great as sympathy is for the reduction of Government expense, engineers and the public will hardly sympathize with this reduction, believing that it will not save money for the country in the long run; they may, indeed, be reminded of the case of the engineer who sent in to his board of directors specifications for material for bridging a river. The directors, having embarked on a campaign of cutting expenses, reduced his estimate in half; and sent him material which he discovered would go halfway across.

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[From the Coal Mine Management for the month of January, 1926]

TOPOGRAPHIC MAPS

Mining men have been assisted on many occasions by the topographic maps issued by the United States Geological Survey. Probably on an equal number of occasions have they damned the survey because the particular quadrangle they wanted had not been mapped. In any event the value and utility of these maps is well known, and they are doubly valuable when obtainable.

For years this mapping has been going on, but appropriations have been so small that progress has been slow. Finally some one became impressed with the desirability of speeding up the work, and the so-called Temple bill (H. R. 4522) was introduced in the Sixty-eighth Congress, and passed with a record vote. It was approved on February 27, 1925. In brief, this bill provided for the completion of the topographic surveys within 20 years, and authorized an appropriation of $950,000 for the current fiscal year.

However, in an endeavor to carry out the economy program, and apparently regardless of the need for the immediate completion of our topographic mapping, the Director of the Budget has recommended the sum of only $477,000, thus cutting in half the authorized appropriation and in effect nullifying the 20-year goal set by the Temple bill.

We believe that every coal-mining official, every engineer, every citizen interested in things geographic or geologic should write to his Congressman and to Congressman MARTIN B. MADDEN, chairman of the Appropriations Committee, urging upon them the great desirability of carrying out the provisions of the Temple bill by increasing the Budget estimate to $950,000.

Never before has Coal Mine Management suggested to its readers that they express their feelings to their Representatives in Washington, but this is a case of interest to the entire country and in which our readers can offer expert testimony, for they know full well just how important topographic mapping is.

"Topographic maps," an editorial on page 33, should be read by every coal-mine executive in this country. Consider the case as applied to you and your operations, present and future.

Do you feel that this is an important service, and that it should be stressed, or are you satisfied with a half-way job in the mapping of coal fields? Write to your Representative at once, if you believe in a thorough system of topographic mapping.

Concerted action will secure a complete and up-to-date set of maps for instant use by you, and you should never again want "the one map that they haven't supplied."

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[From the Illinois Engineer, January, 1926]

THE TEMPLE BILL ENDANGERED

The recent Federal Budget submitted by the Director of the Budget Bureau includes a reduction of nearly 50 per cent in appropriations for topographic mapping.

This would virtually nullify the 20-year program involved in the Temple bill.

Both Houses of Congress last year passed the Temple bill (H. R. 4522) "An act to provide for the completion of the topographic mapping of the United States" with a record vote. This legislative achieve-

ment was in a large part due to the urgent request of the engineers of this country.

The bill as passed recommended an appropriation of $950,000 beginning July 1, 1926, the initial year in the 20-year program by which the topographic mapping of the United States could be completed. Of this, $750,000 was to be allotted to the United States Geological Survey for topographic mapping and $200,000 to the United States Coast and Geodetic Survey for the necessary primary control.

If the recommendation of the Budget Director is followed in reducing the appropriation to $477,000, the Temple bill is defeated before it has even had a trial. Topographic mapping in the United States will be reduced by half, and this reduction will be felt in innumerable branches of the Nation's industries. The engineering industries will feel it keenly.

Wire and write your Congressman and our Congressman, MARTIN B. MADDEN, who is chairman of the Appropriations Committee of the House. Bring the matter to their attention before the bill is lost. Immediate action only will save the Temple bill.

Having passed the bill with a record vote, it is believed that Congress will not break faith with the engineers, but Congress needs to be informed.

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[From the Western Society of Engineers, December, 1925]

Resolutions on national defense and topographic mapping

Whereas the Western Society of Engineers has previously expressed a favorable opinion as the advantages of an early completion of the topographic survey of the United States, and by resolution dated September 20, 1921, indorsed the original Temple bill; and

Whereas the society has endeavored to secure the adoption of this plan during the succeeding sessions of Congress; and

Whereas the society believes that the provisions of the Temple bill as passed represent the concurrence of judgment of the engineering profession as represented by the action of various societies, both local and national, and as presented before the committees of Congress; and

Whereas the recommendation of the Director of the Budget to the present Congress is such as to practically nullify the judgment of the engineering profession and postpone completion of this important work; and

Whereas the recommendation of the Director of the Budget provides a much larger proportional reduction in the funds for topographic surveys compared to the provisions of the Temple bill and the recommendation of the Director of the Geological Survey than other recommendations for appropriations: Be it

*Resolved*, That the opinion of the Western Society of Engineers be, and is, that economy as represented by the recommendation of the Director of the Budget is not true economy; and be it

*Resolved*, That the society urge Congress to make an appropriation for the next fiscal year at least equal to the provisions of the Temple bill.

Approved, board of direction, December 21, 1925.

EDGAR S. NETHERCUT, *Secretary*.

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[From the Pit and Quarry, January 15, 1926]

THE TEMPLE BILL

While the program of economy being attempted by our Federal Government is a laudable endeavor, there is a tendency to carry such a program too far. There are certain fundamental items in our Government program which do not lend themselves to any further reduction in expenditure. Responsibility belongs with the people as well as the Government departmental heads.

The Director of the Budget Bureau, in presenting the Government's Budget to Congress, has reduced the appropriations for making basic topographic maps by nearly 50 per cent. This action conflicts with the program adopted by Congress last year to complete the topographic mapping of the United States within 20 years. This provision by Congress was included in what is known as the Temple bill (H. R. 4522), an act to provide for the completion of the topographical survey of the United States. This act authorized an appropriation of $950,000, beginning July 1, 1926, for the initial year in the proposed 20-year program. The Budget Director has ignored the provisions of this bill and has asked for an appropriation of $477,000.

Mr. BRATTON. I ask unanimous consent that the votes by which the amendments were agreed to may be reconsidered merely for the purpose of enabling me to move to substitute certain figures.

Mr. SMOOT. I have no objection to that course, but I say to the Senator that I shall have to make a point of order against the amendments.

The PRESIDENT pro tempore. Without objection, the votes by which the amendments were agreed to is reconsidered.

Mr. BRATTON. I send to the desk two amendments to the committee amendments and ask that the first one may be stated.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The READING CLERK. On page 84, line 8, strike out "$451,700" and insert in lieu thereof "$876,700."

Mr. SMOOT. I am compelled to make the point of order against the amendment. Under paragraph 1 of Rule XVI, it is provided that "no amendment shall be received to any general appropriation bill not proposed in pursuance of an estimate submitted in accordance with law." There is no estimate submitted for this amendment, and therefore, under Rule XVI, I make the point of order that it is not an appropriate amendment on an appropriation bill.

The PRESIDENT pro tempore. And it has not been moved by a standing committee?

Mr. SMOOT. No; it has not been submitted by direction of a standing committee of the Senate.

Mr. BRATTON. I understand that the point of order relates to section 1 of Rule XVI, which provides that—

> All general appropriation bills shall be referred to the Committee on Appropriations and no amendment shall be received to any general appropriation bill, the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law.

We have a statute expressly authorizing an appropriation up to $950,000, with authority to continue for a period of 20 years. The amendment clearly is not subject to the point of order, because it is to carry out existing law.

Mr. SMOOT. That is only an authorization; it is not an appropriation. Aside from that, if there is an authorization it must be estimated for by the Budget. For instance, in the Agricultural appropriation bill the House cut an item to $23,800, with an authorization of $75,000. Unless this amendment has been estimated for by the Budget, under paragraph 1 of Rule XVI, it is clearly out of order on an appropriation bill.

The PRESIDENT pro tempore. Will the Senator from New Mexico cite to the Chair the statute to which he refers?

Mr. BRATTON. It is chapter 360 of the act approved February 27, 1925. I have a copy of it, which I send to the desk.

Mr. SMOOT. I have not the act before me, but I think it is an authorization.

The PRESIDENT pro tempore. Section 3 of the act reads:

> The sum of $950,000 is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated.

The point of order is not well taken.

Mr. SMOOT. Does the Chair overrule the point of order?

The PRESIDENT pro tempore. Yes. The question is on agreeing to the amendment proposed by the Senator from New Mexico to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. BRATTON. I ask that the second amendment to the amendment may be stated.

The PRESIDENT pro tempore. The second amendment submitted by the Senator from New Mexico to the amendment of the committee will be stated.

The CHIEF CLERK. On page 94, line 8, strike out "$267,000" and insert in lieu thereof "$438,350."

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question now recurs on the amendment of the committee, on page 94, line 7, to strike out "$523,000" and insert "$451,700."

The amendment was agreed to.

The PRESIDENT pro tempore. The question recurs also on the amendment of the committee on page 94, line 8, to strike out "$300,000" and insert "$267,000."

The amendment was agreed to.

Mr. GOODING. Mr. President, I send to the desk an amendment which I ask may be stated.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 72, after line 25, insert:

> Hillcrest project, Idaho, $450,000.

Mr. SMOOT. I am informed that there is an estimate for this amount on the way from the Budget Bureau. With that understanding I am perfectly willing that the amendment shall be agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Idaho.

The amendment was agreed to.

Mr. SMOOT. I move that the clerks be authorized to change the totals in the bill in accordance with amendments agreed to so that we shall not have to take formal action wherever there has been an increase or decrease made.

The motion was agreed to.

Mr. McNARY. Mr. President, on page 51, lines 21 and 22, I move to strike out the following language:

For remodeling school plant at Umatilla Agency and converting same into a sanitarium, $40,000.

I desire to have the item stricken from the bill.

Mr. SMOOT. Yes; I remember the item.

Mr. McNARY. It is a unique situation. I am asking to strike from the bill an item which is carried in the House text and apparently confirmed by the Senate Committee on Appropriations.

Mr. SMOOT. That is the item which nearly caused me to faint when the Senator told me he wished to have it stricken out.

Mr. McNARY. I am very glad the Senator held his poise. In connection therewith and as a part of my remarks I desire to have inserted in the RECORD certain telegrams which I send to the desk, as explanatory of my motion to have the item eliminated from the bill.

The PRESIDENT pro tempore. The question first is on agreeing to the amendment submitted by the Senator from Oregon.

The amendment was agreed to.

The PRESIDENT pro tempore. The telegrams submitted by the Senator from Oregon, without objection, will be printed in the RECORD.

The telegrams are as follows:

PENDLETON, OREG., *March 17, 1926.*

Senator CHARLES L. McNARY,
*United States Senate, Washington, D. C.:*

Please have tubercular-sanitarium item stricken from bill. Sentiment in Pendleton and with Indians very bitter against proposal. Indians resent using their historic meeting place for treatment patients from outside reservations bringing contamination. Indian agent says only few local Indian children need treatment. We suggest they be sent to Lewiston Sanitarium, near by. No need new institution. Indian Bureau poorly informed about conditions. Pendleton people unanimous in view sanitarium would be menace. Tom Thompson joins in request that item be killed.

E. B. ALDRICH, *Editor East Oregonian.*

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PENDLETON, OREG., *March 16, 1926.*

ROBERT N. STANFIELD,
*United States Senate, Washington, D. C.*

Immediately upon being advised an appropriation for changing Indian schools on Umatilla Reservation into Indian tubercular hospital was pending in Senate I personally investigated entire controversy and find that entire Indian population is bitterly opposed to such a hospital and all interested white population determine it a serious detriment to this community. Not more than six tubercular Indians on Umatilla Reservation at present and importing more from different tribes highly objectionable. My personal concern is for you to defeat this bill when it comes up for passage.

THOMAS THOMPSON.

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PENDLETON, OREG., *March 17, 1926.*

Hon. CHARLES L. McNARY,
*Senate Office Building, Washington, D. C.:*

Reference your wire regarding sanitarium Umatilla Agency. I am directed by the board of managers to inform you that the majority of the citizens of Pendleton do not desire this appropriation for sanitarium purposes or any other appropriation that will in any way prohibit the reestablishment of an Indian industrial school at the agency. The citizens and Indians residing in this community, while not wishing to appear dogmatic, feel that they are in a position to judge better the educational facilities offered by the public schools for the benefit of the Indians. The situation has been thoroughly analyzed and we know that the present methods adopted by the department toward Indian education are not bringing the results claimed. It is the intentions of this association to use their every effort in bringing about a change of the present educational system followed at the Umatilla Agency by the reestablishment of an industrial school in an effort to educate the Indians in a manner which will make them an asset to the community and provide them means of livelihood in lieu of the present system which will eventually make them charges of the county and the State. For that reason they desire that the appropriations providing for a sanitarium be stricken from the bill and urge that you use your best efforts to bring about the reestablishment of an industrial school.

GEORGE C. BAER, *Executive Secretary.*

Mr. McNARY. On page 19, line 18, speaking for the Senator from Oklahoma [Mr. HARRELD], I propose the following amendment in the provision relating to expenses of tribal attorneys: After the numerals "$4,000" insert the word "each."

Mr. SMOOT. I have no objection to the amendment. The word "each" expresses what was intended by the House, no doubt.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from Oregon.

The amendment was agreed to.

Mr. WALSH. Mr. President, on yesterday the Senator from Nevada [Mr. ODDIE] addressed an inquiry to the Senator in charge of the bill concerning the abolition of land offices in the Western States which occurred a year ago. At that time an order was issued, a sweeping order of the President of the United States, abolishing a large number of land offices. Without going into the question of the wisdom of the measure as a whole, I rise to state that it operates most oppressively upon the people of my State and is so discriminatory in its character, as far as the State of Montana is concerned, that I am sure that the revelations which I am going to make will startle this body.

I took occasion, upon the issuance of the order, to address a communication to the President of the United States in which the facts were particularly set forth, and for the purpose of the RECORD I wish to read from it, as follows:

MARCH 26, 1925.

MY DEAR MR. PRESIDENT: On the 17th day of March, 1925, an Executive order was issued abolishing a large number of land offices in the public-land States, including 8 of the 10 offices in the State of Montana, namely, Bozeman, Glasgow, Havre, Helena, Kalispell, Lewistown, Miles City, and Missoula, retaining only those at Great Falls and Billings, the State being redistricted accordingly. A copy is herewith attached for your information.

I believe you will be forced to the conclusion, upon further consideration of the subject, that the order is entirely indefensible, whether the subject is considered (even assuming that the drastic reduction is necessary in consequence of the limited appropriation) from a comparison of the importance of the various Montana offices as among themselves or with the number of offices retained in the other public-land States. The hardships to which the order will subject a multitude of our most deserving citizens who, through the staggeringly adverse conditions against which they have been obliged to contend in recent years, are endeavoring to establish homes on the frontier can scarcely be conceived by one not intimately familiar with the conditions. Any reduction in the number of offices now existing greater than three would be in the nature of a disaster to our State, seriously retarding its development.

I freely admit that 3 of the 10 land offices in the State of Montana might very appropriately have been abolished.

It is true that there are in Montana an unusually large number of land offices, but it is to be remembered that in respect to area it ranks second among the public-land States and first in the amount realized from its sales of public lands, as shown by the receipts going into the reclamation fund. (Report of Commissioner of the General Land Office for 1924, p. 59.)

Bear in mind, California stands first. The State of Montana stands second in area of public lands, and stands first in the amount of money contributed to the reclamation fund.

I do not trouble you with a comparison of entries during the last 15 years as between Montana and the other public-land States, but for a considerable part of that period more than 25 per cent of all the homestead entries were made in Montana. I know how difficult it is to appreciate the extent of our territory, and it may be a revelation to you to be informed that under the order referred to some settlers will be required to travel in the neighborhood of 500 miles to transact necessary business at the land offices. The city of Westby, in the new Great Falls land district, is approximately 500 miles to the northeast of the city of Great Falls, a distance greater than that from Boston to Washington, while Yaak, to the northwest, is 394 miles. Populous sections, in which nearly every adult transacts business at the land office, are 300 miles distant from Billings. If the condition of the Treasury, however, or the paucity of the appropriation made by Congress renders imperative the general abolition which the order effects, I beg to call your attention to the figures showing that Montana has been most unfairly dealt with by it. Colorado, which had nine land offices, retains six, while its area of unappropriated land and unperfected entries is substantially equal to that in Montana, the aggregate in the case of Colorado, as shown by the report of the commissioner for 1924, page 64, being 11,816,690 acres, in Montana 11,076,124 acres.

Mr. KING. Mr. President, will the Senator yield to me?

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Utah?

Mr. WALSH. I yield.

Mr. KING. Did the Senator from Montana receive any reply from the President or any information from the Interior De-

partment as to the reason for this apparent discrimination against Montana?

Mr. WALSH. The President replied very courteously that he had referred the matter to the Secretary of the Interior and would await a communication from him. Later the President communicated with me and stated that the Secretary of the Interior thought the order ought to stand. I waited upon the Secretary of the Interior immediately upon my return in the fall, and called his attention to this discrepancy. His answer was that there were too many land offices in Colorado——

Mr. KING Why did he not make the reduction in Colorado?

Mr. WALSH. Wait until I get through with the comparison. I compared Montana with every other State in the West to show that discrimination existed against Montana not only with reference to Colorado but with reference to every other State in which land offices are located.

Mr. SMOOT. Mr. President, let me say that if the department had taken one more land office out of the State of Utah we would not have any, for we now have only one.

Mr. WALSH. I understand that.

Mr. SMOOT. The Secretary of the Interior could not do any more than he had done as to Utah without removing the only remaining land office in that State.

Mr. KING. Mr. President, I should like to ask the Senator if the order abolishing the land offices in Montana synchronized with the suits brought by the Government against the junior Senator from Montana [Mr. WHEELER]?

Mr. WALSH. It followed shortly after the indictment of the junior Senator from Montana here in the District of Columbia. I exceedingly regret that the two Senators from Colorado appeared to be absent from the Chamber. Perhaps if present they would be able to assign some reason why there should be six land offices in the State of Colorado and only two in Montana. I myself am unable to conceive of any, but I have instituted a comparison between the area of public land in the State of Colorado and the area of public land in the State of Montana. I continue:

> The number of applications filed in Colorado in the same year were, however, less than in Montana—4,558 in the former and 4,807 in the latter. The acreage embraced in original entries in Colorado amounted to 546,598; in Montana, to 508,590. In Colorado, the area for which final proofs were made—that is, for which entries were perfected—amounted to 670,525 and in Montana to 722,767. The area for which patents were issued in Colorado totaled 808,034, but in Montana 2,290,849. The total receipts from the Colorado land offices amounted to $227,382.99; from the Montana land offices, $479,559.18.

Mr. PHIPPS entered the Chamber.

Mr. WALSH. I see the senior Senator from Colorado is now present.

Mr. PHIPPS. Does the Senator from Montana desire to direct a question to me?

Mr. WALSH. Yes; I was calling attention to an order issued upon the 17th day of March last, abolishing land offices throughout the West, as a result of which 3 of the 9 land offices in the State of Colorado were abolished, leaving 6 land offices in the State of Colorado, and 8 of the 10 land offices in the State of Montana were abolished, leaving only 2 in the State of Montana; and I desired to know if the Senator from Colorado could assign any reason for that?

Mr. PHIPPS. Mr. President, that may have been the situation under the order issued as of that date, but, as a matter of fact, to-day Colorado has only three land offices, one in the capital city of Denver, one at Grand Junction, and the other at Pueblo. The land offices at Leadville, Del Norte, Montrose, and Durango are four of the six which were abolished last year. The other two were at Sterling and Lamar, which were very small offices.

Mr. WALSH. When was the subsequent order made?

Mr. PHIPPS. The Senator from Montana will recall that it is optional with the President to issue an order on the recommendation of the Secretary of the Interior.

Mr. WALSH. Yes.

Mr. PHIPPS. And the Durango office, the last office which was abolished, was abolished as of January 1 last, while the Leadville office, I believe, was closed at the end of September. The other offices, as I recall, were closed as of July 1.

Mr. WALSH. There was a general order made abolishing them all as of the 17th day of March last. I know I awaited upon the Secretary of the Interior immediately upon my return here last fall and called his attention to the discrepancies to which I am now inviting attention, and apparently he abolished three more land offices in Colorado.

Mr. PHIPPS. May I say to the Senator from Montana, Mr. President, that I do not think the conditions as to land offices in other States influenced the Secretary in his determination. There were a number of cases pending in these various land offices, and I know that his policy, going back to before the issuance of the order to which the Senator has referred, was to discontinue land offices as rapidly as arrangements could be made for consolidation and for winding up their business.

Mr. WALSH. He retained the land office at Denver, the capital of Colorado?

Mr. PHIPPS. That is true.

Mr. WALSH. Can the Senator assign any reason why he abolished the land office in the capital of Montana?

Mr. PHIPPS. No; the Senator from Colorado is not familiar with the conditions in the State of Montana. I do know, however, that in——

Mr. WALSH. I was going to try to advise the Senator by showing him that the land district of which the capital of Montana was the seat is one of the most important in the State from every point of view.

Mr. PHIPPS. I regret that I have not been previously informed as to conditions in Montana. I think I am reasonably familiar with those in the State of Colorado. The business of the office at Sterling and the business of the office at Lamar, embracing a very large district and widely scattered territory, were consolidated and are now under the supervision of the Denver office.

Mr. WALSH. Does the Senator think that three land offices are needed for the purpose of transacting the business in the State of Colorado?

Mr. PHIPPS. I believe it is the intention of the department to watch the situation as it develops and eventually to consolidate the business into one office.

Mr. WALSH. I was asking for the opinion of the Senator.

Mr. PHIPPS. As to my own opinion, I believe that eventually that can be done without very great inconvenience to the residents of the State. We have not found any great complaint—in fact, the complaints have been very few, indeed—because of the discontinuance of the other offices, although they were in widely separated districts of the State.

From Durango, for instance, quite a journey is necessary to reach Grand Junction, the nearest office; and that is likewise true of the Montrose district. It means practically a day's journey by automobile or five or six hours by rail to reach the office; but the business has been cared for through the county courts and the United States commissioners, with whom filings may be made. We find that a large percentage of the business in these land offices has for some years past been conducted through correspondence rather than personal visits. I know that the department kept tally of the number of visitors in the various offices over a period of months to determine just how much counter business was transacted by the different offices.

Mr. WALSH. If the Senator will pardon me, in respect to that the law for many years has required certain data to be furnished in order to apprise Congress of the amount of business. Those data include the area of public lands, the number of entries, the number of final proofs, the number of patents issued, and the amount of money received. All those items are in the official reports. When I called the attention of the Secretary of the Interior to the discrepancies to which I am now inviting the attention of the Senate, he told me that he had gone outside of those reports and had gotten some kind of a report as to the number of callers that came to the various offices, the result of which was satisfactory to himself, but, so far as the regular official returns are concerned, the facts are given here from the reports.

Mr. PHIPPS. I will say to the Senator I happen to know by personal visit to the land office in Denver that that check of visitors was being kept and a record made right along.

Mr. WALSH. I continue, Mr. President:

> I inquire very respectfully, Mr. President, upon what basis or in accordance with what principle six land offices may be maintained in Colorado and only two in Montana.
>
> Take the State of Oregon, which, having seven land offices, is to retain five. There is within its bounds a greater acreage of unappropriated land and unperfected entries than in Montana, approximately 15,000,000 as against 11,000,000, but the number of entries in 1924 in that State were only 2,941, against 4,807 in Montana. The Montana acreage in the original entries was 508,590, as against 250,960 in Oregon. The average for which final proofs were made in Montana is 722,767, as against 358,948 in Oregon. The acreage for which patents were issued in Montana is 2,290,849, as against 390,862 in Oregon. The receipts in Oregon were far in excess of those in Montana, $1,105,028.45, as against $479,559.18. This signifies, however, no additional work of consequence for the Oregon offices, the heavier receipts coming from the sale of valuable timberlands in Oregon.

Bear in mind, I make no complaint whatever because Oregon has seven land offices; not the slightest. I dare say they are necessary; but, Mr. President, I should like to have some one rise and tell us why the number of land offices in the State of Montana should be reduced to two and the number in Oregon kept at seven.

California suffers almost but not quite so badly as Montana, having eight offices, four being abolished. The area of public land in that State still undisposed of is approximately twice that of Montana, but in 1924 Montana exceeded California in the number of applications filed, in the number of acres embraced in original entries, in the number of acres embraced in final proofs and in lands patented, but not in total receipts, the oil leases in California yielding heavily.

Idaho, having five land offices, retains three. Its area of public lands undisposed of is approximately equal to that of Montana, but its applications during 1924 were but 1,760, as against our 4,807. The area covered by the original entries was but 218,656, as against our 508,590. The area embraced in final proofs was but 219,137, as against 722,767 for Montana, and the area embraced in patents was 260,872, as against our 2,290,849. The Idaho land offices produced a total of $97,882.45, the Montana land offices $479,559.18.

Wyoming, having six offices, retains four. No such disproportion as is exhibited by the above comparison in the case of other States, but still the order is, even as to Wyoming, unduly discriminatory.

For convenience of reference I am sending herewith a table showing clearly the comparisons above made.

As suggested above, I find no theory upon which the Montana offices to be preserved were retained if but two are to continue. If the importance of the offices now existing is to be judged on the basis of the unappropriated and unreserved public land within the various districts the order would be as follows.

Not only is the discrimination entirely obvious and entirely indefensible as between the State of Montana and the other States, but the two land offices retained rank among the lowest in the State of Montana.

I do not know what significance it has, but they are both in the eastern district of Montana, represented in the House by a Republican. The western district of Montana, represented by a Democrat, has no land office at all.

Here is the order in which the importance of these offices ranks, judged by the area of public land in them:

Helena, the capital of the State, where was located the first land office in the Territory of Montana, and continued ever since, has the greatest area of public land within the district.

1. Helena.
2. Miles City.
3. Glasgow.
4. Havre.
5. Lewistown.
6. Billings.
7. Missoula.
8. Bozeman.
9. Great Falls.
10. Kalispell.

The land offices are retained at Billings, standing sixth in that order, and at Great Falls, standing ninth.

If by the number of unperfected entries, the order would be as follows:

1. Miles City.
2. Glasgow.
3. Helena.
4. Havre.
5. Lewistown.
6. Great Falls.
7. Billings.
8. Bozeman.
9. Missoula.
10. Kalispell.

If by the area patented, the order would be as follows:

1. Miles City.
2. Glasgow.
3. Helena.
4. Havre.
5. Lewistown.
6. Great Falls.
7. Missoula.
8. Bozeman.
9. Billings.
10. Kalispell.

On the basis of the relation of expense to revenue, the order is as follows:

1. Lewistown.
2. Glasgow.
3. Billings.
4. Miles City.
5. Helena.
6. Bozeman.
7. Havre.
8. Missoula.
9. Great Falls.
10. Kalispell.

Let me remark, Mr. President, that Helena happens to be my home, and the statute gives a preference to the land office located at the capital of the State, as it properly should.

The sections of the statute applicable to the case are sections 2248, 2249, 2250, and 2252. Section 2248 provides that a land office may be abolished whenever the area of public lands within the district is less than 100,000 acres; and then the succeeding section provides that although there is less than 100,000 acres of public land in the land district the seat of which is at the capital, the President may retain it, notwithstanding there is not the required number of acres of public land in that district; and there is abundant reason for that, as I shall show a little later on.

A table fixing the order upon each basis as above indicated is submitted herewith. It might be remarked in this connection that both Billings and Great Falls are in the second congressional district.

I now call your attention to the fact that it was evidently the purpose of section 2249 to give to the land offices located at the seat of government of a State a preference when the state of public business suggested the abolition of land offices.

The order, so far as Montana is concerned, must be justified under the provisions of section 2252. Sections 2248 and 2250 contemplate conditions not present or impose restrictions not observed in the order. It is authorized, however, by section 2252 on the recommendation of the Commissioner of the General Land Office, approved by the Secretary of the Interior. I am advised that the commissioner, after giving the matter careful consideration, recommended the retention of four offices in Montana. I assume that the official approval required by the statute was given by him, but after consultation with that efficient and painstaking officer, I feel sure he will recommend to you, Mr. President, a modification of the order to conform to his original conception of what is due to the settlers in our State and to a proper regard to the public interest. I am looking confidently to you for a reconsideration of the subject dealt with in the order.

I am transmitting herewith copy of a letter addressed to the Secretary of the Interior by the Hon. J. D. Scanlan, register of the land office at Miles City, a gentleman of high character, who has had a prominent part in the public life of our State, a valuable contribution to the problem before you, which I commend to your considerate attention.

With assurances of my high esteem, I am,

Respectfully yours,

———.

THE PRESIDENT,
*The White House.*

*Area patented land in Montana land office districts*

| | Acres |
|---|---|
| 1. Miles City | 259,995 |
| 2. Glasgow | 164,415 |
| 3. Helena | 116,225 |
| 4. Havre | 109,990 |
| 5. Lewistown | 68,286 |
| 6. Great Falls | 49,004 |
| 7. Missoula | 45,593 |
| 8. Bozeman | 41,431 |
| 9. Billings | 30,811 |
| 10. Kalispell | 14,516 |

*Unperfected entries in Montana land office districts*

| | |
|---|---|
| 1. Miles City | 1,635,357 |
| 2. Glasgow | 694,433 |
| 3. Helena | 483,880 |
| 4. Havre | 461,149 |
| 5. Lewistown | 299,316 |
| 6. Great Falls | 286,882 |
| 7. Billings | 207,689 |
| 8. Bozeman | 165,452 |
| 9. Missoula | 66,843 |
| 10. Kalispell | 20,837 |

*Unappropriated and unreserved public land in Montana land office districts*

| | Acres |
|---|---|
| 1. Helena | 1,668,380 |
| 2. Miles City | 1,606,741 |
| 3. Glasgow | 1,381,006 |
| 4. Havre | 761,957 |

| | Acres |
|---|---|
| 5. Lewistown | 535,545 |
| 6. Billings | 253,570 |
| 7. Missoula | 236,920 |
| 8. Bozeman | 181,156 |
| 9. Great Falls | 146,392 |
| 10. Kalispell | 32,620 |

*Basis of the relation of expenses to revenue in Montana land office districts*

| | Per cent |
|---|---|
| 1. Lewistown | 5.58 |
| 2. Glasgow | 12.69 |
| 3. Billings | 18.84 |
| 4. Miles City | 32.27 |
| 5. Helena | 44.63 |
| 6. Bozeman | 77.59 |
| 7. Havre | 77.98 |
| 8. Missoula | 85.37 |
| 9. Great Falls | 91.98 |
| 10. Kalispell | 92.00 |

I said that I would not trouble the President with the compilation being a comparison of the business done in the land offices of the State of Montana with those of other States during the last 15 years; but I have here such a compilation, Mr. President, which I ask may be inserted in the RECORD as a part of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

| States | Average of unappropriated lands, 1911–1925 | Number of applications | Original | Final | Patented | Receipts |
|---|---|---|---|---|---|---|
| Montana | 2,720,892 | 308,788 | 40,543,081.66 | 27,274,975.37 | 38,791,112.56 | $12,100,076.79 |
| Colorado | 2,511,188 | 182,450 | 22,357,142.23 | 17,025,535.33 | 17,104,092.17 | 5,815,044.24 |
| California | 4,033,850 | 83,909 | 10,443,751.36 | 4,019,439.99 | 6,537,066.48 | 5,983,820.04 |
| Utah | 6,183,465 | 28,584 | 4,924,518.25 | 1,599,642.52 | 5,015,533.99 | 3,166,024.42 |
| Oregon | 2,288,308 | 77,163 | 8,403,980.79 | 5,063,223.84 | 8,395,465.86 | 7,365,180.56 |
| Wyoming | 3,000,701 | 131,601 | 21,861,587.90 | 11,630,613.31 | 11,756,387.04 | 24,677,193.31 |
| North Dakota | 3,135,132 | 61,216 | 3,101,849.73 | 5,672,157.79 | 7,484,718.40 | 2,329,660.82 |
| Idaho | 2,710,044 | 93,668 | 11,072,772.67 | 6,054,310.52 | 7,719,767.04 | 3,762,567.49 |
| Washington | 2,657,570 | 34,025 | 3,388,987.28 | 2,003,951.84 | 4,209,079.56 | 2,102,610.37 |
| Nevada | 10,850,784 | 12,548 | 2,602,826.54 | 560,628.21 | 2,169,469.13 | 847,691.27 |
| South Dakota | 313,513 | 81,979 | 6,577,929.42 | 7,359,187.31 | 12,228,303.14 | 6,936,597.24 |
| New Mexico | 4,585,580 | 148,055 | 26,411,376.07 | 11,612,558.44 | 15,211,543.33 | 3,471,545.54 |
| Arizona | 4,977,168 | 43,592 | 13,314,072.95 | 2,221,492.92 | 10,557,038.63 | 1,637,572.19 |

Mr. WALSH. I have here another table showing an immediate comparison between the State of Montana and the other public-land States, which I ask may be printed in the RECORD as a part of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

| States and dates | Average of unappropriated lands | Number of applications | Original | Final | Patented | Receipts |
|---|---|---|---|---|---|---|
| 1911–1915: | | | | | | |
| Montana | 24,806,055 | 139,954 | 21,934,237.31 | 7,654,126.26 | 11,751,952.00 | $6,660,948.60 |
| Colorado | 19,067,416 | 74,795 | 8,561,094.00 | 5,183,612.40 | 5,080,297.42 | 2,757,286.49 |
| | | 65,159 | 13,373,173.31 | 2,470,513.86 | 6,671,554.58 | 3,903,662.11 |
| 1916–1920: | | | | | | |
| Montana | 9,976,490 | 125,842 | 13,735,870.15 | 13,662,875.25 | 17,045,048.53 | 3,716,575.90 |
| Colorado | 10,817,112 | 71,243 | 9,326,939.21 | 7,034,579.20 | 6,381,560.44 | 1,859,994.09 |
| | | 54,599 | 4,408,940.94 | 6,628,296.05 | 10,663,488.09 | 1,856,581.81 |
| 1921–1925: | | | | | | |
| Montana | 6,030,839 | 42,992 | 4,872,974.20 | 5,957,973.86 | 9,994,112.03 | 1,722,552.20 |
| Colorado | 7,783,306 | 36,412 | 4,469,139.02 | 4,807,343.73 | 5,642,134.31 | 1,197,763.66 |
| | | 6,580 | 403,835.18 | 1,150,630.13 | 4,351,977.72 | 524,788.54 |
| 1911–1915: | | | | | | |
| Montana | 24,806,055 | 139,954 | 21,934,237.31 | 7,654,126.26 | 11,751,952.00 | 6,660,948.60 |
| California | 21,754,122 | 35,232 | 4,750,581.14 | 1,005,917.35 | 1,956,276.89 | 2,038,804.49 |
| | | 104,722 | 17,183,656.17 | 6,648,208.91 | 9,795,676.89 | 4,622,144.11 |
| 1916–1920: | | | | | | |
| Montana | 9,976,490 | 125,842 | 13,735,870.15 | 13,662,875.25 | 17,045,048.53 | 3,716,575.90 |
| California | 19,977,205 | 28,525 | 3,071,779.04 | 1,446,366.76 | 1,811,462.10 | 1,032,293.82 |
| | | 97,317 | 10,664,091.11 | 12,216,508.49 | 15,234,586.43 | 2,684,282.08 |
| 1921–1925: | | | | | | |
| Montana | 6,030,839 | 42,992 | 4,872,974.20 | 5,957,973.86 | 9,994,112.03 | 1,190,169.53 |
| California | 18,776,228 | 20,152 | 2,621,391.18 | 1,567,155.88 | 2,769,327.49 | 1,722,552.20 |
| | | 22,840 | 2,251,583.02 | 4,390,817.98 | 7,224,784.54 | 2,912,721.73 |

Mr. WALSH. The way this matter is regarded in my State is indicated by a large number of letters I have here, only a few of which I shall refer to.

I wrote to every lawyer in the State of Montana asking him to indicate to me his view of this order and how it affected the convenience of the people in the State of Montana having business with the land offices, and particularly what effect it would have upon the future development of our State. I have taken pains not to ask your attention to any of these letters that come from lawyers in the cities in which the land offices have been abolished. I am going to ask, however, that there be inserted in the RECORD a letter from Mr. Joseph Binnard, of the city of Butte. Butte had no land office. It was within the Helena district. Mr. Binnard is able to speak upon this matter. For a long time—some three or four years at least, and perhaps longer than that—he was the register of the land office at Helena, Mont., though his residence was in Butte. He was a very efficient officer. He shows that the contention that because a good share of the business is now done before court commissioners the land office may be very conveniently abolished is altogether a fallacy. He concludes his letter with this paragraph, which I desire to read for the information of Senators who do me the honor to listen:

Since Territorial days the Helena Federal land office has been recognized by homeseekers as being the principal land office in the State of Montana. This impression has gained universal recognition, doubtless from the fact that Helena is the capital of the State. Much confusion and annoyance has already arisen concerning the change in the location of the Federal land office, and I have no doubt that endless annoyance and confusion will result from this fact. People

will go to Helena looking for the land office, not being able to distinguish in many instances between the State land office and the Federal land office, only to be informed upon their arrival that they must go to Great Falls in order to secure the desired information or to make the necessary application for public lands or enter a desired contest against agricultural and mineral applicants for the infraction of the public land laws.

I ask unanimous consent that the entire letter may be printed in the RECORD in connection with my remarks.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

The matter referred to is as follows:

BUTTE, MONT., *December 7, 1925.*

Hon. JEREMIAH J. LYNCH,
*Butte, Mont.*

MY DEAR JUDGE: The following would appear to be reasons why the people of Butte are discommoded by the closing of the Helena land office:

(1) The closing of the Helena land office compels an applicant for public lands to travel substantially double the distance and consumes double the time in acquiring the information necessary to making (a) an application for filing on public lands, (b) an application to enter a contest for the violation of public land laws, (c) for the consultation of the necessary township plats, serial registers, commissioners' letters, and innumerable other public records for ascertaining the status of agricultural and mineral entries, together with kindred and correlated questions, all of which requires a personal examination of these records, (d) the inspection of maps, plats, drawings, field notes and charts in the office of the surveyor general.

(2) The Great Falls land office is approximately 172 miles from Butte, and owing to the present railroad schedules citizens of Silver Bow County can make the round trip to Helena and back in one day, when it would require approximately three days to accomplish the same and make the round trip from Butte to Great Falls. There was approximately 5,717,790 acres of surveyed public lands in Montana at the close of the fiscal year, June 30, 1925, and approximately 363,960 acres of unsurveyed land or an aggregate of 6,081,750 acres in all of public lands in the State of Montana. Before an application can be made it is necessary for the applicant to familiarize himself with the lands upon which he desires to file by making personal inspection of the land and before he can do this he should consult the register and receiver of the local land office for the necessary information in order to enable him to properly proceed to the acquisition of lands desired.

(3) All information as to Federal reclamation and irrigation projects, as shown from the plats, records, drawings, commissioners' letters, etc., are on file in the local land office in which the project referred to is located, and it is necessary to consult these records, likewise to determine questions involving reclamation and irrigation projects.

(4) Helena is the capital of the State of Montana, in which the State land office is located and it often occurs that questions involving State lands and Federal lands are questions which must be considered together. There are innumerable questions which would require traveling to Helena for the purpose of ascertaining the status of the lands belonging to the State, such as school land, before one would be justified in filing on lands belonging to the Government. Therefore if the Helena land office is discontinued it would require going to Helena for information relative to State lands and making an additional trip to Great Falls for information relative to Federal lands.

(5) The vast mineral zones immediately adjacent to Butte, and which is showing additional activity at the present time, will be impeded by the change in the office from Helena to Great Falls.

Since Territorial days the Helena Federal land office has been recognized by home seekers as being the principal land office in the State of Montana. This impression has gained universal recognition, doubtless from the fact that Helena is the capital of the State. Much confusion and annoyance has already arisen concerning the change in the location of the Federal land office, and I have no doubt that endless annoyance and confusion will result from this fact. People will go to Helena looking for the land office, not being able to distinguish in many instances between the State land office and the Federal land office, only to be informed upon their arrival that they must go to Great Falls in order to secure the desired information or to make the necessary application for public lands or enter a desired contest against agricultural and mineral applicants for the infraction of the public land laws.

Yours truly,

JOS. BINNARD.

Mr. WALSH. I desire to submit, Mr. President, several letters from attorneys at Baker, Mont., which is in the remote eastern section of the State, from which the people who have business to transact at the land office must travel more than 300 miles to Billings.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

The matter referred to is as follows:

BAKER, MONT., *November 23, 1925.*

Hon. T. J. WALSH,
*United States Senate, Washington, D. C.*

MY DEAR SIR: I thank you for your letter of the 20th instant, and am glad to have the opportunity to write you concerning our present land-office situation.

Just recently my attention was called to an individual living about 75 miles south of Baker. He was very much interested in filing on a certain piece of land, but had been informed that a prior filing had been made and the filing had not been completed. Inasmuch as he was anxious to find out whether or not the particular piece of land could be acquired by relinquishment he wanted the information at once. This he could not get, due to the location of his nearest land office, which is now Billings, Mont. Billings is located on the Northern Pacific Railway and Baker, his nearest railroad station, is on the Chicago, Milwaukee & St. Paul Railway. Either mail service or personal appearance at the land office would have necessitated considerable delay as well as great expense. Could this party have obtained land service at Miles City he would have had daily train service. That is to say, he could have gone to Miles City and attended to his business and returned the same day and at a small expense. I might mention that in actual dollars and cents he would have had to pay twice as much in car fare to Billings, to say nothing of the additional hotel expense. I can say this policy of the department has seriously affected the settlement and appropriation of public lands. Numerous other cases might be mentioned. Not only in the filing of homestead entries has there been inconvenience caused, but also in the matter of application for oil and gas prospecting permits. Carter and Fallon Counties both are in prospective oil-bearing territories. Further than this, we must realize that it is the portions of Garfield, Custer, Powder River, and Carter Counties where the greatest amount of vacant lands are still located and Miles City is the logical center for a land office.

I have had in mind what you say concerning parties appearing before local court or commissioners, but I can not see where this should have any bearing on the matter, because anyone familiar with the situation knows that no clerk of the district court, nor any local commission, has the adequate records nor information which would be of any value to any individual having business with a land office.

It is my opinion that the economy step taken in regards to land offices in this locality was false economy, for, while the Government may be saving money, it is costing the prospective settler so much more that the comparison in plainly to be seen.

Thank you for writing me and should there be any further information I shall be glad to write you on the matter.

Respectfully yours,

AL HANSEN.

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BAKER, MONT., *November 23, 1925.*

Re: Consolidation of land offices, Montana.

Hon. T. J. WALSH,
*Washington, D. C.*

MY DEAR SIR: Your favor received this morning. I asked the land commissioner about extended powers and he says he has none. Inasmuch as there are now not so many entries on public lands as formerly, the inconvenience is not so much emphasized. It requires a trip covering about 600 miles to consult the land office at Billings. It practically gives the inside track to those nearer the Billings office. There is widespread discontent with the consolidation in this portion of the State. It hits us lawyers, of course, but then we are of no consideration with the dear people. I have a suggestion to make, to wit:

Could it not be arranged to have the land office at Billings send out a sort of an abstract of filings each day—that is, those that relate to new filings and moves on old filings? This would be like the abstract that is made and reported each day of the filings with the clerk and recorder in each county. If that could be done I would be willing for this county to receive them and give the people interested access to them. I think that such a plan carried out would allay much of the discontent that now exists. I am inclined that the stated change rather impedes the development or settlement here but the effect is not so apparent as it would be if interest in land were to be revived. As it is now there are very few new settlers. I think, but with the coming in of oil (which I confidently expect) there will be a move to the State. It certainly is considerable of an impediment when one has to travel 600 miles and incur the necessary expense of such a trip. It really puts a sort of damper on the matter of dealing in public lands in eastern Montana. I am writing this

without the least bit of an idea as to your attitude on the matter, but I know that I am honest in this and I know, too, that you are honest and sincere in making the inquiry. You have, and always have had, my utmost confidence.

Thanking you for looking into the matter,

I remain,

Yours very truly,

J. A. WILLIAMS.

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BAKER, MONT., *November 23, 1925.*

Hon. T. J. WALSH,

*United States Senate, Washington, D. C.*

DEAR SENATOR: In reply to your favor of November 20, I would state that the people in this county and Carter County are very greatly inconvenienced by the fact that the land office is located at Billings and that there is no longer a land office at Miles City. The removal of this land office will certainly retard the development of this section of the State. It is true that proofs may be made before local commissioners; also they have authority to accept homestead applications; but as to the latter they have no record of the vacant land as distinguished from the land which has been appropriated, and no information can be had from the commissioners on the many matters that public land claimants desire to know. The only place this information can be had is at the land office. The settler very frequently can not write such a letter as will enable an attorney at the land office to look up the items he desires to know. It is only by a trip to the land office and a full explanation of his difficulties that any satisfaction can be obtained. To get from this county or Carter County to the land office it is necessary to travel over two railroads a considerable distance, and if the party is a resident of Carter County he must take a long automobile journey as well.

I am sure that the people of this entire territory feel that no more serious injury could have been done them than by reason of the removal of the United States land office from Miles City. I am very pleased to express my views upon this matter and thank you for your consideration in writing me.

Very sincerely yours,

C. J. DOUSMAN.

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BAKER, MONT., *November 24, 1925.*

Re: United States land-office situation.

Hon. T. J. WALSH,

*United States Senate, Washington, D. C.*

MY DEAR SENATOR: Yours of the 20th instant at hand. In reply would say that the people in this section of the State, particularly to the south of Baker, in Carter County, are seriously inconvenienced by the fact that the nearest United States land office is at Billings. It is generally conceded that the larger bulk of Government land which is still open to entry is contained in southeastern Montana, particularly in Carter, Powder River, and Garfield Counties, all of them contiguous to Miles City. Very frequently situations arise where men of small means would like to file on homesteads in one of these counties, but owing to the distance to the land office and the expense of a trip to Billings, together with the uncertainty as to the results of their trip, they give the matter up rather than go to the extra expense and loss of time.

It is true that much of the business can be handled before a local land commissioner. However, this is very unsatisfactory, since the land commissioner can not be in close touch with the actual situation as to lands still open to entry. Many of the filings are made directly through the land office, and a person coming from Carter County, for instance, might travel from 50 to 125 miles to get to Baker, the nearest railroad point, for the purpose of filing. So far as the commissioners' records would show, the particular piece of land which he had in mind might be available for filing. He thereupon makes his application for an entry, and the same is forwarded to the land office at Billings. It takes some little time for the papers to go through, and the entryman naturally goes back home where, in the course of a few weeks, he learns by mail that his entry has been disallowed because of the fact that some other entryman had filed upon it directly through the land office before his application was made. It is then necessary for him, if he wishes a homestead, to look around and find some other piece of land which is open to entry and which is pleasing, whereupon he may go through the same experience with the former results. After two or three situations such as this have arisen the prospective entryman naturally becomes discouraged. I have known of situations just about similar with this which have arisen in the south country.

To properly understand the situation as it applies in this south country, with which I am most familiar, one must realize that there is no railroad between Baker and the Wyoming line, which is, I believe, something like 150 miles south of us. A trip to Miles City is quite a trip under these circumstances, but nevertheless it can be made without serious inconvenience, for a good car can cover the distance to Baker in one day, and a trip to Miles City can be made with three or four hours between trains, which gives plenty of time to transact the land-office business, so a man can be back at his own home within three days from the time he left, even if he lives at the extreme southern portion of the territory affected. However, if he is required to go to Billings, it requires changing trains at Miles City, with a long wait for the Northern Pacific train to arrive, the additional hotel bills incurred in Billings, and again a long trip home. It would take the better part of a week for a man to make this trip. When this loss of time is coupled with the added expense it is easily seen that it is a serious matter to the prospective entryman. I believe that the entire situation is having the effect of retarding the entries upon Government lands and the resultant development of the State.

I am very glad to note that you are interested in this proposition, and it would be very gratifying to this section of the State if one of two things could be brought about: Either an additional land office to be located at Miles City or the Billings office to be moved to Miles City.

Very truly yours,

D. R. YOUNG.

Mr. WALSH. Mr. President, at some other time I shall submit a bill to correct this obvious and indefensible discrimination against the people of my State, for no reason whatever that I can discern. If the land offices in the State of Montana were to be restricted to two, unquestionably the land office at Helena, Mont., ought to have been retained not alone by reason of the fact that it is the capital of the State but because there is the greatest area of public land within that land office; and if two were to be selected, there is no justification whatever for the selection of the two that were selected.

Mr. KING. Mr. President, yesterday when we had under consideration the appropriation for the Alaskan Railroad I called attention to the fact that we had spent millions of dollars in the construction of that railroad; that there were annual deficits which we were compelled to meet; that I thought the wisest thing for the Government to do was to sell the railroad. Upon investigation I find that we have expended $61,083,777.51 in the construction of the railroad and in meeting the annual deficits resulting from its operation.

I have prepared an amendment on this subject, but I shall only read it. I shall not ask for a vote upon it, because I realize that with the temper of the Senate, with their evident purpose to favor landlordism and bureaucracy, I should find but scant sympathy on either side of the Chamber.

My amendment is:

That the Secretary of the Interior is authorized and directed to advertise for and to take bids for the sale of the Government railroad in the Territory of Alaska, and report the bids received to Congress, together with his advice as to whether or not the bids received are the best obtainable for the sale of this property.

The sooner we get rid of this railroad, and the sooner we get the Government out of private business, the better it will be for business, and the better it will be for the Government.

Mr. SMOOT. Mr. President, I did not know but that my colleague would change that amendment and put it in such form that the Secretary would be directed to inquire how much any citizen of the United States would take to take over the railroad.

Mr. KING. I think some persons would buy it, but I am not so sure.

Mr. SMOOT. Not if they had to run it.

Mr. CAPPER. Mr. President, I offer an amendment making an appropriation for improvements that are greatly needed at Haskell Institute, the school for Indians located at Lawrence, Kans. If my colleague, the senior Senator from Kansas [Mr. CURTIS], were able to be here, he would strongly urge favorable action on this amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 43, line 20, after the numerals "$25,000" and before the semicolon, it is proposed to insert the following:

For new office building, including construction of vault, and purchase of furnishings for office, $10,000; for repairing, remodeling, enlarging, and equipping auditorium, $25,000.

Mr. SMOOT. Mr. President, I shall have to make the point of order against that amendment. It is not estimated for.

The PRESIDENT pro tempore. The point of order is sustained.

The bill is still before the Senate as in Committee of the Whole and open to amendment. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

INDEPENDENT OFFICES APPROPRIATION BILL

Mr. WARREN. I ask that there may be laid before the Senate House bill 9341, the independent offices appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9341) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1927, and for other purposes.

ORDER FOR RECESS

Mr. JONES of Washington. I ask unanimous consent that when the Senate concludes its business to-day it take a recess until 12 o'clock to-morrow.

The PRESIDENT pro tempore. Is there objection?

Mr. HARRISON. Mr. President, reserving the right to object, may I ask the Senator if he contemplates asking for an executive session?

Mr. JONES of Washington. I do.

Mr. WARREN. Mr. President, the hour is late, and I understand that there is a desire for an executive session this evening. Therefore I propose to let the bill lie over until to-morrow morning and take it up the first thing in the morning.

The PRESIDENT pro tempore. Is there objection to the unanimous-consent request proposed by the Senator from Washington? The Chair hears none, and the unanimous-consent agreement is entered into.

EXECUTIVE SESSION

Mr. JONES of Washington. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. JONES of Washington. I move that the Senate take a recess, the recess being until 12 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 50 minutes p. m.) the Senate, under the order previously entered, took a recess until to-morrow, Friday, March 19, 1926, at 12 o'clock meridian.

## CONFIRMATIONS

*Executive nominations confirmed by the Senate March 18 (legislative day of March 15), 1926*

POSTMASTERS

MINNESOTA

William F. Bischoff, Bigfork.
Daniel H. Hill, Cook.
Carleton H. Leighty, Glenville.
Isaac C. Stensrud, Hartland.
August O. Lysen, Lowry.
Annie E. Dobie, Newport.
Walter W. Parish, Rushford.

NEW YORK

Lucy E. Murray, Florida.

PENNSYLVANIA

Joseph A. Buchanan, Ambler.
John W. Eshleman, Mount Joy.
Charles A. Graeff, Schuylkill Haven.

WEST VIRGINIA

Omar G. Robinson, Summerville.
Claude S. Randall, Shinnston.

# HOUSE OF REPRESENTATIVES

THURSDAY, *March 18, 1926*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Eternal God, in mute necessity our hearts go out to Thee. We make grateful acknowledgment of Thy goodness, we recall Thy boundless mercies, and we would meditate upon Thy marvelous providences. Thy love still passes all understanding and Thy riches are still unsearchable. Deepen in us the currents of reflection and give us wise insight into all problems of legislation. Elevate our whole natures and bring them to the highest level of righteousness and of personal efficiency. Work in us a splendid discontent and give us the reach of larger growth and broader attainment. Combine in us a hearty humanity with an unusual quality of spiritual power. Help us all, O Lord, to grow into that higher life in which our hearts go out after our fellow men, and out toward all the beauty and glory of the world, and up toward God and toward that life which lives with Thee and shall live forever. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

AMENDING SECTION 5219, REVISED STATUTES

Mr. SNELL. Mr. Speaker, I present a privileged report from the Committee on Rules for printing in the RECORD.

The Clerk read as follows:

Report on House Resoluton 171, to amend section 5219 of the Revised Statutes of the United States.

CHILD LABOR AMENDMENT TO THE CONSTITUTION

The SPEAKER laid before the House a communication from the secretary of state of Florida transmitting the action of the legislature of that State rejecting the proposed amendment to the Constitution relating to labor of persons under 18 years of age.

LEAVE OF ABSENCE

Mr. CHINDBLOM, by unanimous consent, was given leave of absence for two days, on account of sickness.

HOUSE RESOLUTION LAID ON THE TABLE

The SPEAKER. Without objection the proceedings on House Joint Resolution No. 131 will be vacated, and the resolution laid on the table.

There was no objection.

THE RECORD

Mr. DYER. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. DYER. Mr. Speaker, on yesterday, during somewhat of an uproar in the House, the gentleman from Mississippi [Mr. RANKIN] called attention to what he designated as a violation of the rules of the House with reference to an insertion in the RECORD of some remarks on a bill by me. The extension of remarks were inserted in the RECORD in pursuance of a unanimous-consent request by the gentleman from Pennsylvania [Mr. PORTER] on Monday, March 15, in reference to the bill which had been considered in the House under suspension of the rules providing for certain authorizations for Government buildings and for diplomatic and consular offices in foreign countries.

As Members of the House know, under suspension of the rules the time for debate is very limited, and it is not easy for anyone, other than those on the committee that have the bill in charge, to get an opportunity to speak. So, under that permission I inserted in the RECORD of Tuesday, March 16, some remarks, and while they were not my personal remarks they were with reference to the legislation concerned. They referred to a public building, the site of which is now owned by the United States, in Shanghai, China.

I had at my request investigations made of conditions there, in addition to a personal inspection that I made myself. The data, in fact, came to me through the Secretary of State. I thought it was most valuable information, showing the need for the legislation which was considered in the House on Monday.

In my judgment, Mr. Speaker—and I have gone through the rules very carefully since the incident and thought I was conversant with them before—it was not a violation of any rule of this House in what I did in inserting that data referred to.

Mr. UNDERHILL. Will the gentleman yield?

Mr. DYER. I will.

Mr. UNDERHILL. When the gentleman from Pennsylvania made the request of the House that permission be granted to all Members to extend remarks in the RECORD for a period of five days, I rose in a front seat on this side of the House and made the observation that it was understood to be their own remarks. I noticed that that was not in the RECORD, and possibly in the confusion which took place at that time it may have been lost by the Reporter. Without questioning the gentleman's motive, it has been my practice when on the floor, and unanimous consent has been asked, to make that observation. I think that the abuse of the RECORD warrants any and all Members in the absence of myself or somebody else to make that statement, at least, in order that the Members may confine themselves to matters of their own which go into the RECORD.